

Title:	Arena Floor Allocation Policy
Number:	SRV-18-01
Approved By:	City Council
Administered By:	Recreation Services
Effective Date:	April 9, 2018

Introduction

The City of Oshawa's goal is to promote and encourage participation in Arena Floor sports and special events utilizing the arena floor space to the overall benefit of the community. This Policy serves as a means to address changing demographics in Oshawa, market supply of arena floor space, the distribution of space in a fair and equitable manner, and the successful ongoing management of arena floor space.

The Policies identified in this document establish and clarify the City's responsibility for arena floor allocation and administration and its' commitment to the management of:

- arena floor facility operations and capacities
- arena floor allocation and distribution
- the processing and management of tournament, special event and seasonal arena floor permits
- special arena floor management issues, and
- general administration requirements

1. Floor Allocation Responsibility

The City of Oshawa's Recreation and Culture Services staff have the responsibility to manage the allocation and distribution of arena floor space on a yearly basis to reflect population, registration, utilization and participation patterns in addition to applying municipal, provincial and federal directives where required. The City's Facility Booking Office is responsible for implementation of the policies as outlined.

2. Definitions and Acronyms

For purposes of this policy:

Adult User: any individual, club or organization not included under minor floor programs.

Affiliated Adult Floor User: all organizations who organize floor sports for users who are generally 21 years of age and older and who annually meet the affiliation requirements as set by the City of Oshawa.

Affiliated Minor Floor User: all associations who organize floor sports for users, who are generally under 21 years of age and who annually meet the affiliation requirements, as set by the City of Oshawa.

Allocated Floor Time: assigned floor time for affiliated and non-affiliated users (minor and adult) at a city-owned facility; the Facility Booking Office develops Floor Allocation Matrices (fall/winter seasonal; spring/summer,) to reflect various organizations entitlement and use of allocated floor time.

Arena Floor Allocation Policy: the abbreviated name is A.F.A.P.

Association, Club: a local organization operated and controlled by a duly elected Board of Directors, the member of which shall designate from among themselves the signing officers of that Club.

Buffer Time: time required for an organization to catch up for possible game delays during tournaments and/or for floor maintenance.

City-Owned and Operated Facility: Children's Arena; Donevan Recreation Complex Arena; Harman Park Arena, Legends Centre Arena

Facility Booking Office: F.B.O. is the abbreviated name used throughout the document.

Grandfathered Adult Groups: adult users that are provided Priority #3 status privileges

Hour of Floor: consists of 60 minutes of floor usage.

House League: a community-oriented minor program structured to provide development and competition at a recreational level. Teams are comprised of players who are eligible to play based on registration, who do not need to try out and who play primarily inside the city for league play.

Floor Maintenance – Periodic: to maintain a floor surface, the City will endeavor to conduct floor maintenance and repair as needed.

Instructional Program: programs taught by qualified instructors designed to improve specified skills. Registration and fees generally required.

League: a group of teams that play a schedule of games against each other, often divided into classes or levels, usually organized by an association of persons.

Permits: are issued to users to give authorization or consent for seasonal or one-time use (bookings) of facilities by both Recreation and Culture Services Facility Booking Office Clerks and Reception Clerks.

Permitted Floor Time: arena floor time permitted to affiliated and non-affiliated occasional users.

Special Event: any single event that is not regularly scheduled e.g. craft and retail events, championship games, etc.

Standard of Play: (SOP) is a formula used to determine the total number of weekly hours each user is entitled to and the distribution of those hours to different age and skill level groupings.

Time Blocks: not less than two (2) hours of arena floor time permitted in sequence.

Tournament: a schedule of games played among three (3) or more teams that follow an interlocking schedule that leads to an eventual winner

Try-Out: an official sanctioned activity of a team for the purpose of player evaluation and team selection.

Unused (burnt) Floor: permitted floor time that is not used but belongs to a contract holder or organization.

Weekday Floor: Monday to Friday

Weekend Floor: Saturday and Sunday

2.1 Users and Clients

Board of Education Client: Principal or Teacher representing either the Durham District School Board (DDSB) or the Durham Catholic District School Board (DCDSB).

Commercial User: any permit applicant who will charge a registration or participation fee in a for-profit program. Can be a one time or multiple occasion program delivery schedule. Includes adult/youth tournament organizers not associated with minor floor affiliate groups.

LOSSA: Lake Ontario Secondary School Association - the governing body for all high school sports in the Durham Region.

Minor Affiliated Groups:

- Oshawa Ball Hockey Association, servicing Durham Region (OBHA)
- Oshawa Minor Lacrosse Association (OMLA)

Minor User: clubs and organizations whose main purpose/objective is to offer and involve individuals in recreational, athletic and social floor activities.

Non-Resident: registrant whose home address falls outside of the Oshawa municipal boundaries.

Occasional User: any individual, team, organization or group that applies for non-repeating floor rentals; any affiliated organization who has lost priority status on a temporary or permanent basis; any affiliated organization permitting floor space over and above their seasonal allocated floor entitlement.

Residency: residents are people who live in, own property in or own or operate a business in the City of Oshawa. Residency can be verified through a current utility bill, assessment notice or telephone bill with a current address.

Sport Governing Body: a governing body that has a regulatory or sanctioning function for specific sports organizations

User: an individual or organization who permits arena floor time at a city-owned facility.

3. Floor Facility Operations and Capacities

The City of Oshawa will responsibly manage its arena floor resources to ensure optimum usage and programming, to reflect municipal directives and to minimize risk and operational issues.

The City of Oshawa will endeavor to, on an annual basis, host an Arena Operations meeting to update/amend/develop materials required for the floor seasons. The results of this meeting will enable city staff to update related portions of internal documents – procedure, calendar, floor management schedule and critical dates, matrix and operational budgets. Staff will also review define or confirm the City's ice and arena floor seasons, hours of operation, ice and floor pad uses and restrictions, facility closures and holiday operating hours. The results of this meeting will also enable city staff to facilitate any changes related to the A.F.A.P. or the Ice Allocation Policy.

4. Arena Floor Allocation and Distribution

On a seasonal basis, Fall/Winter and Spring/Summer, the Facility Booking Office will develop an Arena Floor Allocation Matrix (draft and final) which best reflects the expressed needs of the users and application of this Policy's directives and guides. The City of Oshawa reserves the right to reassign floor time required and will attempt to match the quality of play to the facility that is most conducive to usage and attempt to gain maximum efficient facility usage. The City of Oshawa reserves the right to reassign facilities annually.

Children's Arena is considered the primary facility for floor usage due to its year-round availability. This facility can support trade and retail shows, exhibits, festivals and events, lacrosse, ball hockey, in-line hockey, seasonal play and tournaments.

Donevan Recreation Complex, Harman Park Arena and Legends Centre are permitted seasonally during the Spring and Summer.

4.1 Client and Scheduling Priorities

Floor space will be allocated according to the following Priority levels:

- Priority 1: City of Oshawa Program/Special Events/Instructional Programs
- Priority 2: Affiliated minor associations, organizations and groups
- Priority 3: Affiliated adult associations, organizations and groups, grand-fathered adult groups
- Priority 4: Non-Affiliated minor associations, organizations, groups, special events
- Priority 5: Non-Affiliated adult associations, organizations, groups and those with grandfather status
- Priority 6: Occasional and commercial users

Note 1: These priorities will only be applied if the applicants meet the permit deadlines. Applicants who miss the annual application and permitting deadline will be assigned client Priority 6 status.

4.1.1 Programming Priorities

The following types of programs/play will also be considered during the allocation process at each of the Arena floor facilities:

1. Tournaments and special events, provincial or higher championships
 - a. Sanctioned provincial or higher championships or events
 - b. Sanctioned tournaments and events
2. League play or seasonal use
3. Invitational, open and charity tournaments and events
4. Occasional play, practices, exhibition games, instructional programs and clinics

4.2 Affiliation Status

At present, there are two (2) affiliated user groups that floor time is allocated to. Due to the surplus of floor hours available, we are able to accommodate permit requests to the satisfaction of users and event holders; therefore, registration numbers from affiliated groups are not required to support allocation. Staff will re-introduce the registration requirement (as further detailed in the paragraphs below) when the demand for floor use increases or the number of affiliated users expands.

4.2.1 Affiliation Status Explanation for Future Use

Groups achieve affiliation when they annually submit documentation, which verifies their non-profit status, ensures proper insurance is in place, and confirm that they are guided by a constitution, are affiliated with a sport governing body and fulfill their requirement of conducting an annual AGM.

An affiliated organization must also submit schedules, a list of executive and documentation authorizing the City to conduct business with selected appointees. Further, the organization must be in good standing with the City. When a Standard of Play is reinstated, an affiliated organization will also be required to submit registration documentation as outlined in this document.

The City of Oshawa will qualify minor and adult associations, organizations and groups, who can demonstrate their stability and viability, for priority arena floor time access. Once qualified, affiliated minors will receive Priority 2 status while affiliated adults will receive Priority 3 status.

Priority 2 and 3 clients are also expected to fulfill additional responsibilities in order to receive additional benefits outlined in the Arena Floor Allocation Policy document.

4.3 Non-Affiliated Adult Clients – ‘Grandfather’ Status

Adult clients who permit arena floor time at City of Oshawa facilities are not eligible for affiliated status and will become a Priority 5 level client. The City of Oshawa wishes to recognize long-term adult clients. Grandfathered status will provide existing adult clients (Clients prior to the 2014 Floor Season) Priority 3 status privileges without having to perform all affiliation process requirements. It also provides access to historical floor (same or similar date or time block) to all adult users.

The City reserves the right to change the arena floor space allocated to grandfathered clients only when facility closures or restrictions must be applied or when operational efficiencies are required. In these circumstances, every attempt will be made to find an equitable floor time replacement.

If a designated ‘grandfathered’ permit holder disbands or fails to apply for floor space in consecutive seasons, they will lose their ‘grandfather’ status. If they reapply in a subsequent floor season, they will be treated as a new client. The ‘grandfather’ designation is not transferable.

4.4 Residency

The City of Oshawa recognizes the tax-based contribution provided by its residents toward the development and operation of recreation facilities and recognizes that residents will always receive priority over non-residents in the allocation of arena floor space.

The City reserves the right to impose residency requirements or limitations on permit applicants at any point in time in the future when it is deemed necessary to do so (e.g. restricted floor capacities).

The City will accommodate the regular use of City floor space by non-residents after resident demand is satisfied and under special circumstances such as reciprocal agreements. Non-resident use will be reviewed on a case-by-case and seasonal basis.

4.5 Weekly Hours of Entitlement and Distribution for Affiliated Minor Clients

The number of weekly hours allocated to any affiliated minor group or organization will be based on justified need. Allocation will be in a fair and equitable manner as to not be a detriment of another organization/group.

4.6 Minimum Hours of Commitment per Week

Currently, a Standard of Play formula is not being implemented due to the existing surplus of floor space available to all groups booking our facilities. However, should the demand for floor space exceed the current supply the City has, the Standard of Play formula will be introduced. The following statements below would apply.

Each affiliated user must commit to a minimum number of floor hours each season. This number will be determined through application of the SOP formula against actual registration data. A future permanent decrease in commitment will only be considered after staff are satisfied that every attempt has been made by the client to meet commitment levels over a two year period.

An immediate adjustment to the minimum commitment level will be considered when a local organization is impacted by a rule or program change initiated by its sport governing body. The local association must supply documentation to demonstrate the origin of the change and its impact locally.

4.7 Time Period Entitlements and Restrictions

Arena facilities are available to organizations Monday to Sunday. Hours of operation vary by facility and are based on current and historical demand.

4.8 Time Block Bookings

Floor time will be allocated in blocks of time. Preference will be given to organizations that block book full evenings at arena facilities.

No organization will dominate a specific time block or facility to the detriment of another organization. All organizations will share equally in the distribution of early and late arena floor time at all facilities. If an organization can demonstrate, to the satisfaction of Facility Booking Office staff, that 'blocking of time' as outlined in this policy is not feasible, and then alternate methods of time distribution may be considered.

5. Processing and Management of Tournaments and Special Events Applications and Permits

The City of Oshawa recognizes the significant positive impacts that tournaments, special events and championships can provide to the community. In order to accommodate these events, minimize disruption to regular programs, and league play, they will be considered and permitted in advance of seasonal applications into pre-determined event slots and facilities. The City is committed to achieving a balance between recreational and special event use during the regular floor season.

5.1 Opportunities and Restrictions

The City of Oshawa recognizes the variety of community floor needs. In order to accommodate these needs and special requests fairly and equitably, clearly communicated and applied policies and procedures are necessary. The City is committed to achieving a balance between competitive and recreational use after City and tournament/special event needs have been satisfied.

With some exceptions, tournaments and events typically occur on weekends (can include Fridays). Staff will allocate and restrict tournament play primarily to weekends except for championship, provincial, national or international tournaments/events that can occur on other days of the week and are subject to negotiation.

5.2 Application Deadlines and Accommodations

Tournament applications and seasonal event deadlines precede those of seasonal applicants. They will be scheduled and permitted first. Seasonal applicants will be advised of tournament exceptions prior to permit issuance.

Tournament applications received after the deadline can only be accommodated if the guidelines in this document are adhered to and all affected seasonal permit holders agree to the accommodation – in essence, giving up seasonal permit time.

Client and Scheduling Priorities – refer to Section 4.1

Note 1: If conflicting applications are, staff will enter into negotiations with applicants to attempt to reach an equitable distribution of floor space. City staff reserves the right to assign times if mutual solutions cannot be found.

6. Permit Amendments, Cancellations and Unused (Burnt) Floor Space

The City has the right to control all arena floor distribution and use at City-owned facilities for the duration of the floor contract. Controls must be in place to minimize the negative impacts that unused, returned, amended and cancelled floor space can have on the City and its users. As such, the City will apply all guidelines outlined in this Arena Floor Allocation Policy document to reasonably and responsibly manage unused floor space or changing floor needs once permits have been issued.

6.1 Permit Cancellations by the Contract Holder (Temporary or Permanent)

Due to unforeseen circumstances, some affiliated users may not generate the registrations required to meet their minimum weekly hours of commitment leaving them with a temporary oversupply of hours. The Facility Booking Office will assist the contract holder with finding a buyer for the over-supply of hours not required for the remainder of the season. If another buyer cannot be found, the contract holder is responsible for the payment.

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

Once a contract is signed, single or occasional floor use cancellations will be permitted only if initiated by the contract holder's designated floor permitter/scheduler(s) and under the following conditions:

- 10-business day's written notice is provided to the Facility Booking Office
- Payment of an administrative fee per facility affected by the cancellation request

If a buyer cannot be found for the hours returned, the contract holder is responsible to pay the full cost for unsold hours and the additional cancellation fees.

6.2 Added Floor Hours

All floor hours added to an existing contract will be final on the date issued and accepted. No further changes will be considered.

6.3 Transferred/Trades/Sub-Leased Floor

The City of Oshawa is the sole permit authority for all floor times. The City must be aware of and be able to control the intended use of all floor space permitted within its facilities at all times.

Changing the intended use of users of floor space (i.e. practice becomes a game, Team A replaces Team B) within a single organization's contract is acceptable. Related schedule updates are to be forwarded to the Facility Booking Office Clerk for distribution.

The practice of occasionally transferring floor space, trading space or sub-leasing floor space between contract holders is strictly prohibited and may lead to the cancellation of a season permit and future floor allocation reductions.

Should two user groups agree to a trade, the Facility Booking Office would facilitate this exchange by making the appropriate amendments to organizations' contracts.

It is recognized that last minute changes to the intended use of the floor space may occur under rare, infrequent and unforeseen circumstances; however, the Facility Booking Office must be notified immediately.

6.4 Permit Cancellations by the City of Oshawa

The City reserves the right to reasonably postpone, reschedule or cancel any permitted activity due to justified circumstances.

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

Where postponement or rescheduling cannot be mutually coordinated, the contract holder affected will receive a full refund/credit for the time owing.

6.5 Unused (Burnt) Floor Space

Floor users are not permitted to book floor space that will go unused. Unused (burnt) floor space (no shows) reflects badly on the contract holder and on the City's administration of floor space and is not acceptable. The only exception to this guideline would be for the sole purpose of ensuring that there is significant floor time available as a contingency to prevent a curfew situation for tournaments or league games.

7. General Floor Management

7.1 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 Corporation will make its best effort to mitigate all situations, however, in the course of public service, events may be beyond the Corporations' control. 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

A patron's experience with us is based on the values of fairness, excellence, inclusion and fun. All persons have the right to be safe and feel safe while attending or working at a program, facility or property so that they can enjoy their activity sport, or interest. With this right comes the responsibility to be accountable for actions or behaviours that put at risk the safety of others and encourages an environment where there is respect for others. The City of Oshawa has zero tolerance for any form of violence, vandalism or inappropriate behaviour in its recreational programs, facilities or properties.

7.2 Floor Use and Floor Use Changeover Schedules

In order to maintain the efficient scheduling of maintenance staff and to ensure the accurate communication of pad and room assignments to participants, the City requires that all affiliated groups supply floor use schedules to F.B.O. by the dates communicated to organizations by the F.B.O. Failure to comply could result in the cancellation of all or some of the permit contract for the remainder of the floor season.

The City reserves the right to accept or modify requests to ensure the achievement of operational efficiencies and pad coordination.

Players/groups are required to wait until City facility staff have changed the nets and have left the floor surface before they enter onto the surface to engage in any pre-game warm-up or game play/activity (i.e. throwing balls, running). Facility staff will not change the nets if there are players on the floor surface. Disregard for this practice may result in delay/loss of floor time for organizations.

7.3 Temporary Floor Cancellation and Redistribution

In the event of an unplanned multi-day facility closure, F.B.O. will act to redistribute floor permits so that all floor users are universally-impacted while certain types of floor use are protected from cancellation over others. The City will apply predetermined floor priorities and procedures identified in this Arena Floor Allocation Policy document. The City reserves the right to make all final decisions regarding emergency floor cancellations and redistribution.

7.4 Introduction of New Community Floor Programs and Services

New programs/services and sponsoring organizations/associations will be accommodated only to provide for unmet community needs. Existing or new groups must demonstrate/justify the need for a new program or service while also meeting other criteria outlined within the Arena Floor Allocation Policy document.

7.5 New Organization/Emerging Sport

When reasonable and feasible, the City of Oshawa will recognize a new floor organization or emerging floor sport and will allocate floor time to enable it to establish its programs and services in the City. Recognition and floor allocation will occur once the conditions and criteria outlined in this Arena Floor Allocation Policy document are met and if existing affiliated users will not be adversely affected. The City will use unallocated floor space first to meet the needs of a new applicant but reserves the right to reasonably reallocate hours from existing users, if warranted.

7.6 Opening Arenas Outside of Standards Hours of Operation

The opening of arena facilities on statutory holidays, when they are normally closed, or beyond established operating hours, will be considered only if the applicant agrees to pay for the full operational costs for such an opening and pending the availability of staff. Application does not guarantee approval.

8. General Administration

8.1 Forms

All users must submit all requests for permit applications, processing, amendments and cancellations on City- approved forms. Packages and forms are available in the permit office year round. The City reserves the right to reject applications and requests from clients who submit forms which are not complete or contain falsified information.

8.2 Rental Fees

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

8.3 User Indemnification

The Facility user 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 User or in any way, related to the User's use and operation of the property and premises; the conduct of those person in their care, custody or control and/or all activities occurring before, during and after their allocated floor time.

The user (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 of 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 user's use operation, activities and/or occupancy within the property and premises before, during and after Allocated Floor Time.

8.4 Insurance Requirements for all Users

The user shall during permitted floor 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 User.

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 user shall verify that valid insurance coverage as set out in this Arena Floor Allocation Policy is in place by submitting an Insurance Certificate (IC) that must be acceptable in all respects to the City of Oshawa. Upon expiry of the IC, the user must provide an up-to-date IC. The user 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 user 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 user hereunder or otherwise be to the detriment of the City of Oshawa.

8.5 Inspection

Before any activity commences, it is the responsibility of the User to appoint an individual(s) to inspect the premises including but not limited to change rooms, floor surfaces, doors, boards (glass) and bench areas to ensure that the premises are adequate and safe for the purposes of their activity. In the event that there is damage or maintenance required, the User shall immediately notify the person in authority at the arena and request that the issue be remedied. If there is an unsafe condition the User shall refrain from endangering any participant or spectator.

8.6 Arena Floor Allocation Policy Review and Update

The Arena Floor Allocation Policy may be reviewed on a regular basis, initiated by the Facility Booking Office. The Facility Booking Office has the authority to adjust procedural items related to timing, process, etc. as appropriate and to respond to Council directions related to revenue achievement and strategic business approaches.