

JOB DESCRIPTION POINT RATING EVALUATION PLAN

Working Title Senior Lease Negotiator	Name Vacant
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Position Number New FTE	Reports to Position No., Class & Level	Division, Branch/Unit Properties, Realty Services, Leasing	Ministry Infrastructure
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Present Classification Program Services 5	Requested Classification Program Services 5
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Dept ID	Program Code	Project Code (if applicable)
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PURPOSE: Give a brief summary of the job, covering the main responsibilities, the framework within which the job has to operate and the main contribution to the organization (see [Section 2.3](#)).

Reporting to the Receivable Leasing Manager, the Senior Lease Negotiator is responsible, on behalf of the Province as landlord, for the negotiation and documentation of leases and associated agreements (eg. licenses, access agreements, assignments, etc) as part of the department's policy to maximize use of program and surplus government owned or leased real estate assets.

Responsibilities include negotiating the commercial and financial terms of a broad variety of agreements with consolidated entities and non-government users (NGUs) of government owned/leased space, preparing enforceable contracts, coordinating with external groups to protect prior legal obligations arising from executed agreements, providing comprehensive leasing services to internal and external parties including other departments, proposing innovative ways of doing business, ensuring the lease inventory is managed in a professional and efficient manner, assisting in the supervision of staff, and participating in goal setting and acting as a team member to accomplish goals as established in the department business plan.

RESPONSIBILITIES AND ACTIVITIES: The purpose of the job can be broken down in different responsibilities and end results. Each end result shows what the job is accountable for, within what framework and what the added value is. Normally a job has 4-8 core end results. For each end result, approximately 3 major activities should be described (see [Sections 2.1](#) and [2.2](#)).

1. Negotiate and draft enforceable leases and associated agreements on behalf of the department as landlord to maximize use of surplus and program government owned or leased spaces in accordance with department policy, contractual and commercial practice.

Activities:

- Verify project instructions and identify and evaluate all issues arising from a project, by communicating with Acquisitions, Sales and Development (ASD), Asset Management, Senior Management, Property Management and the prospective tenant. Develop a course of action and manage the project to completion.
- Resolve issues arising from a project and related deadline. Types of properties included in projects are agricultural, commercial, industrial, residential, educational & health facilities.
- Develop a strategy to determine the current market rental value of a property, to be approved by the Director of Leasing, for the purpose of maximizing the rent revenue.
- Negotiate directly with the tenant a rental rate within the approved range and the non-financial lease terms in accordance with policy, contracting principles and the Province's interests. Communicate effectively with the tenant or its representatives to conduct negotiations, provide information and resolve conflict to ensure the effective and efficient lease of property. Maintain positive public relations throughout the process.
- Draft agreements using Justice approved templates and precedents and in compliance with accepted contractual, commercial and departmental practices and negotiated terms.
- Ensure agreements are binding on, and signed by, all authorized parties to complete the project.

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2. Coordinate with external groups to protect prior contractual obligations arising from executed agreements, particularly with regard to large projects involving numerous internal and external stakeholders (eg. construction projects).

Activities:

- Upon becoming aware of activities of other business units which affect leased sites to NGUs, communicating with those units to mitigate property related actions and claims against the department.
- Identifying issues arising from lease obligations as they conflict with other interests and advising other business units in consultation with Justice, with regard to appropriate solutions to issues. The negotiator must have the ability to recognize the contractual issues arising from the competing interests.
- Coordinating the development and drafting of appropriate agreements which reflect the often complicated contractual relationships among the parties (i.e. multi-party right of entry agreement permitting construction on a site involving a utility right of way to one NGU already leased to a second NGU) involved in a large project.
- Coordinate and advise ASD, including preparing leases or assignments as part of the documentation associated with the sale of land.

3. Provide comprehensive and knowledgeable leasing services to INFRA, other departments, government agencies and the public.

Activities:

- Provide sophisticated lease information to senior management, Asset Management, Property Management, ASD, Capital Projects, and agencies, including leasing policies & practices, market rates, document interpretation, and lease strategies.
- Advise Property Management with problem resolution and lease enforcement.
- Create “partnership” leases to NGUs/service providers in INFRA owned space wholly occupied by another department, which support the programs of the client department without compromising INFRA’s interests as landlord.
- Provide leasing advice for government agencies/consolidated entities such as Alberta Gaming and Liquor Commission in accordance with their instructions within those agencies’ owned or leased space.
- Respond to inquiries from the public concerning leasing policies and practices in consultation with Communications.
- Provide specific lease information to tenants as required.

4. Assist in the review of leasing functions on a continuous basis. Propose effective and innovative ways of doing business.

Activities:

- Identify gaps in, or problems with, policies and procedures. Recommend ways to improve leasing methods so that they are fair, transparent and efficient.
- Monitor changes in legislation, court decisions, and lease rate compensation cases (eg. Surface Rights Board decisions). Interpret the effect of such changes on lease projects, and keep project stakeholders informed.
- Apply consistent leasing practices and procedures.

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5. Ensure that the department's extensive receivable lease inventory is managed in a professional and efficient manner.

Activities:

- Update monthly report of on-going lease projects.
- Identify "overlooked" properties and request instructions to renew or to terminate the leases.
- Provide information to the Lease Administrator for the purpose of maintaining the lease data systems.
- Coordinate work with administrative support within Leasing and Business Services for the purpose of the timely and efficient production of leases documents.
- Provide accurate financial summaries of each project to Business Services to ensure that the financial terms of completed projects are properly recorded in the financial data systems. Act as a resource to Business Services to interpret financial terms of agreements as required.

6. Assist in the supervision of staff.

Activities:

- Support junior staff, by providing advice or assisting junior staff complete lease files assigned to them.
- Assist in the supervision of staff as required by management.

7. Participate in goal setting and participating as a team member to accomplish the branch's and department's goals and objectives are met.

Activities:

- Participate in establishing goals within the Receivable Leasing team to complement the branch's and department's goals.
- Act as a resource for Asset Management, ASD and Property Development.
- Identify potential or active conflict among stakeholders as a consequence of conflicting obligations. Work as a mediator to effect resolution.
- Support INFRA's participation in the support of Aboriginal groups by, in addition to following the department's policies and procedures regarding leasing, creating and maintaining good public relations with Aboriginal representatives throughout the projects.

SCOPE: List specific information that illustrates what internal or external areas the job impacts, and the diversity, complexity, and creativity of the job (see [Section 2.4](#)).

An executed lease is a prerequisite to the occupation of government owned/leased space by an NGU and the establishment of a successful administration of a landlord-tenant relationship. It is the consequence of planning decisions made by senior management, ASD or Asset Management.

Projects range in complexity and include agricultural, commercial, industrial, healthcare, educational, and residential land and improvements. Properties range from office space to large parcels. Revenue ranges from cost recovery to rents over a ¼ million dollars. Complexity includes, for example, the agreements and associated negotiations for:

- “Ground” leases and “Surface” leases.
- Temporary license of use agreement (right of entry agreements) to a lease which is equivalent to a sale (capital lease).
- Lease of clean office space to lease of contaminated site or with the risk of contamination due to the tenant’s proposed use.
- Lease to an occupant with a “legal host” or lease to multiple parties involving complex contractual relationships.
- Lease in a location with an active lease market for that kind of property to lease in a location without any reasonable market comparison.
- Lease to a tenant represented by legal counsel and other senior executives for construction of a facility to be used for a variety of purposes including research labs.
- Sensitive negotiations i.e. because of timing, nature of tenant or other relationships with government.
- Other Justice approved documentation associated with leases, including assignments of lease, licenses, easements, capital leases as opposed to operating leases, subleases, terminations, letter amending agreements, & supplementary lease agreements.
- Leases as they may relate to other real property transactions and activities such that competing contractual interests have to be identified and addressed.

Stakeholders include ASD, Property Management, Asset Management, Property Inventory, Finance, Capital Projects, other departments and agencies for which leases are prepared, Department of Finance (Risk Management re asset loss protection), tenants including other levels of government and senior management.

Tenants include individuals, corporations, societies, utility authorities, financial institutions, regional health authorities, statutorily created bodies and agencies and other levels of government and their legal and professional representation.

Diversity of the job includes:

- ability to identify contractual issues arising from complex projects that cross stakeholder boundaries (eg. sale of portion of site upon which leases have been granted to multiple parties).
- ability to conduct market research, analyze information and prepare reports summarizing information and making recommendations.
- ability to work with Justice with regard to drafting leases and associated documents and thoroughly understand and apply the legal principles associated with lease documentation.
- ability to negotiate both financial and commercial terms of an agreement with sophisticated tenants and their legal counsel and unsophisticated tenants alike.
- ability to prepare professional correspondence and sophisticated drafting.
- ability to communicate effectively, particularly on complex issues, with a broad variety of stakeholders.
- ability to handle high workload, often with competing demands, in an organized fashion.
- ability to coordinate work with Technical Services, administrative staff, & accounting staff.

The Senior Lease Negotiator is assigned projects from across the Province, which requires that the negotiator be familiar with all types of property and the rental markets across the Province. The work occasionally requires travel.

Lease projects facilitate provincial economic development by providing space to organizations engaged in economic activity and by maximizing the use of surplus government space.

KNOWLEDGE, SKILLS & ABILITIES: Provide a list of the most important knowledge factors, skills and abilities including knowledge about practical procedures, specialized techniques, etc.; analytical and conceptual skills and abilities; and skills needed for direct interaction with others not only diplomas and degrees. Specific training if it is an occupational certification/registration required for the job.

Education:

Successful completion of a Bachelor of Laws Degree (LL.B./JD) or a graduate degree relating to real estate or contracts. This requirement entails a minimum of 5 years of post-secondary education.

Work Experience/Training

1. Considerable experience in commercial leasing, real estate and contracts, specializing in negotiating and documenting a wide variety of transactions.
2. Some experience in legal practice is considered an asset.
3. Requires the application and utilization of a professional level of knowledge acquired from a variety of business environments and applied in a wide variety of situations as follows:
 - Real Estate lease market trends across the Province.
 - Real Estate leasing and related contract documentation (particularly including Leases and Subleases, License Agreements, Supplementary Lease Agreements, Letter Amending Agreements, Surface Rights, Right of Way Agreements, and Assignment Agreements)
 - Broad variety of commercial leasing strategies and appropriate documentation (eg. a surface lease has different terms than a ground lease or a right of way agreement).
 - Wide range of legislation (Land Titles Act, Land Titles procedures, Business Corporations Act, Societies Act, Government Organization Act, Municipal Government Act, Environmental Protection & Enhancement Act, Surface Rights Act, Hospitals Act, Regional Health Authorities Act, Residential Tenancies Act, Condominium Act & Regulations) and common law (eg. real property, landlord/tenant, contract, commercial, corporations, tax and environmental law) specifically related to lease transactions and generally related to sales transactions or utility rights of way as they may overlap with leases
 - Ability to interpret survey plans, Real Property Reports, site plans, and condominium plans
 - Basic construction of buildings and land types or conditions sufficient to understand market limitations of site.
 - Building Owners and Managers Standards as they relate to floor space in office buildings.
 - Bid tendering process.
 - Internal Leasing policies and procedures, departmental policies and procedures as they are applicable
 - Departmental accounting/budget policies and practices as they relate to BLIMS Leasing module and data entry generally.

Essential skills:

- Lease rental market research and analysis.
- Negotiating, procedures and strategies.
- Highly developed drafting skills for complex leases and associated documents.
- Conflict resolution, problem-solving and diplomacy.
- Use of variety of specialized databases: Building and Lands Inventory Management System, Grants and Municipal Affairs System, Financial Business Information System, SPIN II (Land Titles), Corporate Registry, Federal Corporations Database Online, Lease Information System and Lease Status System.

Ability to effectively communicate with real estate professionals, peers, tenants, planners, property managers, and lawyers. Fully utilize electronic communications as well as having excellent written and oral skills.

CONTACTS: The main contacts of this position and the purpose of those contacts.

- Justice lawyers – review of legal issues, collaboration on document drafting
- Risk Analysts (Risk Management and Insurance) – review of insurance and risk management issues.
- Tenants or their representatives (lawyers, realty managers) – negotiation of agreements and resolution of issues.
- ASD, Asset Management, Property Management, and Finance personnel – issue resolution, consultation on leasing issues.
- Officials from other government departments and agencies - issue resolution, consultation on leasing issues.
- Leasing staff – information exchange and shared efforts to accomplish specific objectives.
- Real Estate professionals and municipal officials for market information.
- Municipal Affairs to resolve any non-routine issues re: grants.
- Technical Services re: site plans.

SUPERVISION EXERCISED: List position numbers, class titles, and working titles of positions directly supervised.

The Senior Lease Negotiator assists the Receivable Leasing Manager supervise the following positions:
Program Services III – Lease Negotiator
Administrative Support IV - Lease Administrator

CHANGES SINCE LAST CLASSIFICATION REVIEW: This section is not required to be completed if the job description is being written for the conversion to PREP. It should be completed for any subsequent classification requests under PREP.

Updated the names of business units and clarified Justice's legal role in providing legal advice and drafting assistance.