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2001/002

**Real Property
Management
Function
(Authority
No. 2001/002)**

**Fonction de la
gestion
immobilière
(Autorisation
n° 2001/002)**

**Records Disposition
Authority No. 2001/002**

issued to

**Government Institutions subject to the
National Archives of Canada Act
for
Common Administrative Records
related to
the Real Property Management Function**

The National Archivist of Canada, pursuant to subsection 5(1) of the *National Archives of Canada Act*, consents to the destruction of all records described in the appended Functional Profile when institutions subject to the Act decide that these records have no remaining operational or legal value. All records subject to this Authority may be destroyed or otherwise disposed of upon the expiry of the retention periods established for them within federal government institutions.

Appendices: Terms and Conditions
Functional Profile

**Autorisation de disposition des
documents n° 2001/002**

délivrée aux

**institutions fédérales assujetties à la
Loi sur les Archives nationales du Canada
pour
les documents administratifs communs
se rapportant à
la fonction de la gestion immobilière**

Conformément au paragraphe 5(1) de la *Loi sur les Archives nationales du Canada*, l'Archiviste national du Canada accorde son consentement à la destruction des documents décrits dans le Profil fonctionnel qui figure en annexe lorsque les institutions assujetties à la Loi jugeront que les documents ne possèdent plus de valeur administrative ou juridique. Les institutions fédérales peuvent détruire ou se départir des documents visés par la présente autorisation à l'expiration des délais de conservation qu'elles leur auront assignés.

Annexes : Modalités de transfert
Profil fonctionnel

Original signed by / Original signé par

Ian E. Wilson

National Archivist / Archiviste national

20010917

Date

APPENDIX I

TERMS AND CONDITIONS
for the Disposition
of
Common Administrative Records
in support of
the Real Property Management Function
of
Institutions subject to the *National Archives of Canada Act*

A. KEY DEFINITIONS

Common Administrative Records — Records created, collected, or received by a government institution to support and document broad internal administrative functions and activities *common to or shared by all institutions* (for example, materiel management, comptrollership, or human resources management).

Operational Records — Records created, collected, or received by an institution to support and document business functions, programmes, processes, transactions, services, and all other activities *uniquely or specifically assigned to that particular institution* by legislation, regulation, or policy.

- **Office of Primary Interest** — The federal government institution — department, agency, board, office, or commission - to which the authority, responsibility, and accountability to perform a particular function on behalf of the Government of Canada has been specifically assigned by legislation, regulation, policy, or mandate.

Office of Collateral Interest — The federal government institution — department, agency, board, office, or commission which is implicated in or associated with the performance of, or some aspect of, a function, the management of a program, or the delivery of a service for the Government of Canada by virtue of legislation, regulation, policy or mandate.

Real Property Management Function — Encompasses the functions, sub-functions, processes, activities, and transactions of administrative business, concerning the management of federal real property or other real property used or acquired by an institution, commonly conducted in and across all government institutions to support and facilitate the delivery of programmes and services. The main legislation underpinning the Real Property Management Function includes the: *Department of Public Works and Government Services Act, Federal Real Property Act, Department of Canadian Heritage Act, National Capital Act, Financial Administration Act, Historic Sites and Monuments Act, Natural Resources Act, and Expropriations Act.*

For the purpose of identifying and explaining records disposition requirements, the Real Property Management Function as set out in the Treasury Board of Canada Secretariat's real property policies

can be applied conceptually to any government institution and is divided into five sub-functions related to the life-cycle management of real property immovable assets. A detailed description of each sub-function is contained in **Appendix II, Profile of the Real Property Management Function**. The five sub-functions (in bold type) are:

1. **assessing** and **planning** real property requirements,
2. **acquiring** real property assets and related services,
3. **operating** and **using** real property,
4. **maintaining** real property assets, and
5. **replacing**, **transferring** and **disposing** of real property assets.

B. SCOPE OF THE AUTHORITY

- Authority No. 2001/002 applies to all common administrative records in support of the Real Property Management Function of institutions subject to the *National Archives of Canada Act* (i.e., records documenting common administrative business functions, sub-functions, programmes, activities, and transactions), regardless of how the records are organized or internally controlled within each institution. It entirely supersedes Schedule 2 - *Buildings and Properties* of the GRDS (PAC 86/001).
- Authority No. 2001/002 applies to **all** institutions subject to the *National Archives of Canada Act*, whether or not their Real Property Management functional activities follow Treasury Board or other central agency policies and guidelines. For example, some institutions, like Crown corporations, may not be required to follow central agency policies concerning the Real Property Management Function, yet these institutions are subject to the Act.
- Authority No. 2001/002 applies to electronic records, databases, and office systems —and any related technical documentation or contextual metadata information — created in support of the Real Property Management Function in all government institutions. However, this Authority **does not** apply to electronic records, databases, or office systems — or any related technical or contextual metadata information — created by government institutions in support of any function uniquely or specifically assigned to them by legislation, policy, or mandate within their operational context, or as an Office of Primary Interest or Office of Collateral Interest.
- The scope of Authority No. 2001/002 has the same coverage over activities related to common or general purpose real property accommodations as that under Schedule 2 - *Buildings and Properties* of the GRDS (PAC 86/001), and includes common administrative activities related to real property environmental interests. A number of elements and categories of subjects, record types, and records may have been covered formerly under the "Consult the Public Archives," "Submit for retention and disposal authority when obsolete," or "Transfer to the Public Archives of Canada," clauses in Schedule 2. These have now been **excluded** wherever they potentially involve disposition decisions for records which are created, collected or received by the institution to support and document policies, programmes, and services related to its operations, and are thus operational in nature. The subjects and records descriptions contained in Schedule 2 of the GRDS (PAC 86/001)

under these clauses, and excluded from Authority No. 2001/002, will be appraised separately within their institution-specific or operational functional context. Specifically **excluded** from this Authority are records relating to the management of any real property, including: national parks, national historic sites, historic canals, national battlefields, national conservation areas, heritage railway stations, federal heritage buildings, and monuments, designated or recognized by the Minister of Canadian Heritage as heritage property having national or historical significance, as these are by definition not common or administrative in nature.

- Institutions with specific operational mandates as Offices of Primary Interest (OPI) or Offices of Collateral Interest (OCI) for aspects of the Real Property Management Function **shall not** apply Authority No. 2001/002 to their operational records regarding those aspects of the Real Property Management Function. If, for any reason, an institution subject to the *National Archives of Canada Act* creates, collects, or receives Real Property Management functional records that are not common or administrative, the institution must seek a separate authority to dispose of such operational records. All government functions, subjects, record types, and records excluded from the scope of Authority No. 2001/002, or any other Multi-Institutional Disposition Authority, must be covered by Authorities granted to individual institutions in the course of a Multi-Year [Records] Disposition Plan. For example, Authority No. 2001/002 **does not** apply to the operational records of OPI institutions which have been assigned legislative mandates in the government-wide function of Real Property Management (for instance the: Department of Justice Canada, Environment Canada, Canadian Environmental Assessment Agency, Department of Canadian Heritage, Parks Canada Agency, Health Canada, Human Resources Development Canada, National Capital Commission, Department of Natural Resources, Department of Public Works and Government Services Canada, Royal Canadian Mounted Police, and the Treasury Board of Canada Secretariat as central agents of the government). Nor does Authority No. 2001/002 apply to the operational records of OCI institutions (for instance the: Department of National Defence, Department of Foreign Affairs and International Trade, Department of Transport, Canada Port Authorities, Federal Bridge Corporation Limited, National Battlefields Commission, Mackenzie Valley Land and Water Board, and Canada Lands Company Limited), and other Crown Corporations, Agencies, Commissions, or Boards as part of their specific legislative or policy mandates. This condition applies whether or not the institution uses the mandatory or optional real property common services of an Office of Primary Interest such as Public Works and Government Services or the Department of Justice Canada.
- Authority No. 2001/002 **does not** apply to records series or groupings or collections which mix common administrative and operational records.
- Authority No. 2001/002 **does not** supersede other Records Disposition Authorities requiring the preservation of archival records. It should be applied *after* the Transitory Records Authority, any operational Records Disposition Authority (also referred to as an Institution-Specific Disposition Authority or ISDA), and any Multi-Institutional Disposition Authority (MIDA) for generic groups of records such as posters, records from a minister's or deputy head's office, and records generated by imaging systems. Some operational records Authorities (for example, ISDAs) also include the disposition of some common administrative records. The Terms and Conditions for the application of these ISDAs remain in effect.

- It is incumbent upon each institution to understand and apply generally any legislation regarding the retention and disclosure of information and more specifically its own extant legislation. Each government institution is therefore required to determine the appropriate retention periods for its records, including those common administrative records covered by Authority No. 2001/002.

C. AUTHORIZATION TO DESTROY RECORDS

All records created, collected, or maintained in any medium by an institution in support of the Real Property Management Function may be destroyed *provided that*:

- the records are not operational in nature;
- the records are not of a mixed operational and administrative character;
- the records do not support an administrative function in an Office of Primary Interest;
- the records are not otherwise excluded from the application of Authority No. 2001/002 by virtue of the definitions and scope statements contained in this Appendix;
- the records are not anterior to 1946; and
- the retention periods of the records — established by the institution according to its legal and operational requirements — have expired.

A strict application of the above definitions and exclusions, and the prioritized use of the various Records Disposition Authorities will ensure that there are no records of archival value amongst the remaining common administrative records in support of the Real Property Management Function in institutions subject to the *National Archives of Canada Act*.

APPENDIX II

PROFILE

of

The Real Property Management Function

of

Institutions subject to the *National Archives of Canada Act*

The purpose of the Functional Profile is to facilitate the application of the Terms and Conditions (Appendix I) relating to the disposition of common administrative records created, collected or maintained by government institutions subject to the *National Archives of Canada Act* in support of the Real Property Management Function. It consists of a template describing the five major sub-functions associated with Real Property Management, and subdivided by activities, tasks, and processes as appropriate.

For the purposes of archival appraisal, records disposition, and records and file classification system design, a **Function** means: 1) any high level purpose, responsibility, task or activity which is assigned to the accountability agenda of an institution by legislation, policy or mandate; 2) typically common administrative or operational functions of policy development and program and/or delivery of goods or services; 3) a set or series of activities (broadly speaking a business process) which, when carried out according to a prescribed sequence, will result in an institution or individual producing the expected results in terms of the goods or services it is mandated or delegated to provide.

REAL PROPERTY MANAGEMENT

The function of Real Property Management, as a broad conceptual description of a common or shared function within and across all government institutions, is the management of federal real property¹ as defined by the *Federal Real Property Act*, such as buildings, lands, fixed structures and related utility infrastructures, and other real property² assets. The *Federal Real Property Act* establishes ministers' authority to enter into transactions for acquiring, transferring, and disposing of real property, and the *Real Property Transactions Processes and Authority Policy* of the Treasury Board of Canada Secretariat sets thresholds above which Treasury Board (TB) approval is required before an institution carries out a transaction. This function involves how an institution manages its real property assets to ensure it meets its operational requirements for effective program delivery to the maximum long-term economic advantage of the government, to honour environmental objectives, to provide safe and adequate facilities, and to respect relevant government policies on the acquisition, use, maintenance, and disposition of real property by the Government of Canada. Real

¹ The *Federal Real Property Act*, section 2, defines **federal real property** as " ... real property belonging to Her Majesty, and includes any real property of which Her Majesty has the power to dispose."

² The *Federal Real Property Act*, section 2, defines **real property** as " ... land whether within or outside of Canada, including mines and minerals, and buildings, structures, improvements and other fixtures on, above or below the surface of the land, and includes an interest therein."

Property Management is described as a life-cycle approach to the management of real property assets of an institution or administered by an institution, as set out in the Treasury Board of Canada Secretariat's Real Property Management policies and related publications. The life-cycle approach can be applied to any institution whether or not it is subject to federal central agency policies or guidelines. Real Property Management and its various sub-functions, as it is understood here, is governed by Federal, Provincial or other Acts, Statutes, Regulations, and Circulars and all other Appendices and Sections which consist of either mandatory or optional requirements as specified.

The Treasury Board Advisory Committee on Real Property (TBAC/RP), consisting of senior representatives from custodian, policy and service departments, advises the TB on federal government real property policies, practices and expenditures, and provides a forum for discussing real property issues. Departments having administration of real property must develop, maintain and apply appropriate organizational, technical, administrative and financial structures, policies, practices and systems to manage the real property in their custody. Custodian departments (those whose Minister has administration of real property for the purposes of the department's programs) are accountable for initiating all actions concerning the acquisition, use, and disposition of real property required to deliver their programs, and must obtain all services related to real property in accordance with the Treasury Board of Canada Secretariat's *Common Services Policy* for mandatory and optional services. For example, Public Works and Government Services Canada (as a common service organization, upon request from an institution) can provide services and advice on acquisition, management, or disposition of real property; and provide architectural and engineering services, including services in respect of the adoption and application of related codes, standards, procedures, guidelines and technologies. For a complete list of real property custodian organizations and the policy and service organizations, institutions should refer to the Treasury Board of Canada Secretariat's Real Property Management policies and publications.

This Functional Profile and Authority 2001/002 **does not** apply to any record created, collected, or received by an institution to support and document its operational real property business functions, programmes, processes, transactions, services, and all other activities uniquely or specifically assigned to that particular institution as an Office of Primary Interest or Office of Collateral Interest by legislation, regulation, mandate or policy. For example, institutions having an operational mandate to assess and plan, acquire, operate and use, maintain, or dispose of any real property, such as (but not restricted to): railways, ports, airports, canals or locks, drydocks, shipyards, harbours, waterways, roads or highways, bridges, tunnels, museums, galleries, art centres, cultural repositories, libraries, observatories, conservatories, post offices, training facilities, sites, buildings, structures, parks or monuments, correctional facilities and reformatories, radar installations, power generating facilities, land waste sites, mines and minerals, federal records centres, etc., cannot use Authority 2001/002 for those aspects of their Real Property Management activities. This condition applies whether or not the institution uses the mandatory or optional real property common services of an Office of Primary Interest such as Public Works and Government Services Canada or the Department of Justice Canada.

This Functional Profile and Authority 2001/002 **does not** apply to any record created, collected, or received by an institution to support and document its real property functions, programmes, processes, transactions, services, and all other activities relating to national parks, national historic

sites, historic canals, national battlefields, national conservation areas, heritage railway stations, federal heritage buildings, and monuments that have been designated, classified, or recognized by the Minister of Canadian Heritage as heritage property having national or historical significance, as these are by definition not common or administrative in nature.

Real Property Management in this functional profile is divided into five sub-functions of the life-cycle of real property assets. The five sub-functions of the Real Property Management Function (RPMF) are listed below in bold:

1. **assessing** and **planning** real property requirements,
2. **acquiring** real property assets and related services,
3. **operating** and **using** real property,
4. **maintaining** real property assets, and
5. **replacing, transferring** and **disposing** of real property assets.

The Real Property Management functional profile applies to the following five common administrative sub-functions:

Assessing and Planning Real Property Requirements

This sub-function generally encompasses the business processes and activities which produce records created by government institutions while evaluating existing assets and resources, and assessing current and future organizational needs; developing short-term to maximum long-term strategic planning and life-cycle costing of acquisition alternatives; coordinating the development of real property objectives based on requirements for institutional programs and plans that are consistent with corporate goals, including environmental objectives, policy and legislation; keeping inventories and maintaining records of real property administered by departments and Crown corporations, including recording information in the Directory of Federal Real Property (DFRP) containing the central records of the real property holdings of the Government of Canada; seeking the administration of real property, through acquisition or transfer only when the property is required for the purposes of the department's programs; conducting regular reviews of the real property administered, linking it to program requirements, and confirming that the current use of it is appropriate; ascertaining the environmental condition of the property before acquisition and determining whether it is or can be made environmentally compatible with its intended use; and systematically examining and assessing the condition of the real property in inventory and using this information to determine when and how to acquire, maintain, preserve, and renew its value based on the full life-cycle costs of the property involved.

Acquiring Real Property Assets and Related Services

This sub-function generally encompasses the business processes and activities which produce records created by government institutions that add new real property to the federal inventory by purchase, lease, exchange, gift, easement, expropriation, or any other means, such as the acceptance of the surrender of a lease or the acceptance of the relinquishment of a licence or easement; transfer of administration of real property from a department or an agent Crown corporation to a department; or

a transfer of administration and control of real property to the federal government. It also includes the contracting for or provision of services supporting the acquisition, use and maintenance of real property; for example, cleaning, utilities maintenance and repair, office design, fire-protection or investigating and reporting, snow removal, surveying, etc. Acquiring real property must be done in a manner consistent with the principle of sustainable development contributing to protecting and preserving the environment, and in a manner that protects their heritage character by arranging for the Department of Canadian Heritage to evaluate sites, and all buildings 40 years of age or older as to their heritage designation before acquiring, altering, dismantling, demolishing or selling them. The Minister of Canadian Heritage is responsible for approving heritage designations of real property based on criteria and a process for evaluation and designation of such heritage or historic character, upon the recommendations of the Federal Heritage Buildings Review Office or the Historic Sites and Monuments Board of Canada. The *National Capital Act* requires separate approval by the National Capital Commission for the acquisition, disposal and demolition of buildings on federal lands within the National Capital Region, as well as for exterior alterations and additions to them. When acquiring real property, departments must determine that the total consideration payable or receivable by the government is justified in relation to the market value of the real property using current appraisals or estimates. When proposing to acquire, lease, design, build or alter a building, institutions must have the plans, drawings or specifications reviewed by Labour Canada to ensure conformance with fire standards and codes.

Note: Whereas this sub-function includes the management of the RPMF common administrative activities and processes involved in contracting for or procuring related services it does not include the financial management or Comptrollership activities related to acquisitions. Records kept for the dual purpose of documenting Real Property Management and Comptrollership activities or transactions, whether these records are originals or copies kept by Real Property Management or Financial Management program areas for convenience, are also covered by the Records Disposition Authority for the financial Comptrollership function. In this case, the Terms and Conditions document attached to the MIDA 2001/002 describes the sequenced application of Records Disposition Authorities under the heading **Scope of the Authority** and shall be adhered to.

Operating and Using Real Property Assets

This sub-function generally encompasses the business processes and activities which produce records created by government institutions while operating and using real property assets such as, buildings, works, lands, communications systems, hydro-electric structures, utility infrastructures, sewers and drainage, or other fixed structures on, above or below the surface of the land; ensuring that real property is used for its intended purpose; using real property in a manner consistent with the principle of sustainable development contributing to protecting and preserving the environment, and in a manner that protects their heritage character; providing a safe, healthy and productive environment in facilities; ensuring barrier-free access to, and use of, real property owned or leased; ensuring the real property conforms to physical and fire standards and policies on occupational health and safety; and ensuring that the appropriate program department administers real property, and the total real property a department administers (referring to the stewardship between a department and the real property it uses for its program purposes and for which it is accountable) is limited to that required to directly support its program.

Maintaining Real Property Assets

This sub-function generally encompasses the business processes and activities which produce records created by government institutions while ensuring real property assets are properly maintained to extend the service life of the asset for as long as the property is required for the purposes of the institutions' programs; repairing, refurbishing, altering, improving, and reusing assets when economically feasible; submitting annual reports to the Treasury Board of Canada Secretariat reflecting changes made to accessibility plans and implementation progress on accessibility improvements completed to real property. Real Property must be managed and maintained to the maximum long-term economic advantage of the government, to honour environmental objectives, and to provide safe and adequate facilities.

Replacing, Transferring and Disposing of Real Property Assets

This sub-function generally encompasses the business processes and activities which produce records created by government institutions while replacing, exchanging, transferring, disposing, or selling-off real property when these assets are beyond cost-effective repair or are no longer required for the purposes of an institution's programs, including custody transfer of administration of real property that supports an adjustment to or transfer of program accountability, such as transfers to support the government's reassignment of program responsibility, transfers to support government restructuring, and transfers to recognize a more appropriate custodian; disposing of real property which includes alienating real property by sale, lease, exchange, gift, easement, or any other means, such as the surrender of a lease or the relinquishment of a real property from one department to another department or an agent Crown corporation, or a transfer of administration and control of real property from the federal government; and disposing of real property in a manner consistent with the principle of sustainable development contributing to protecting and preserving the environment, and in a manner that protects their heritage character.

When disposing of real property, departments must; determine that the total consideration payable or receivable by the government is justified in relation to the market value of the real property using current appraisals or estimates; ascertain the environmental conditions of the real property and determine whether or not remediation is necessary in consultation with legal and environmental advisors; provide the public with a fair and equitable opportunity to acquire real property from, and to dispose of it to, the government by soliciting offers where it is appropriate to do so; and consult with the Department of Canadian Heritage when selling a property containing a National Historic Site or part thereof, or with the Federal Heritage Buildings Review Office of Heritage Canada before disposing of recognized or classified heritage buildings. (**Note:** all records documenting activities related to any real property, or about the property itself, which has a recognized or classified heritage designation from the Department of Canadian Heritage are operational in nature and are, therefore, excluded from the scope of MIDA 2001/002 and this Profile)

All records documenting activities related to Canadian natural resources, mines, and minerals are operational in nature and, therefore, are excluded from the scope of MIDA 2001/002 and this Profile. All dispositions of mineral rights must be made through Natural Resources Canada.

All proposals for the alteration, demolition, or sale of sites, buildings or other works, or change to the use of public lands within the National Capital Region (NCR), must be submitted to the National Capital Commission (NCC) for approval prior to the commencement of the project, and no public lands in the NCR shall be sold without the approval of the NCC or Governor in Council.

Custodian departments must establish and maintain a database of their contaminated sites and their solid waste landfills, and provide this information (updated annually) to the Treasury Board of Canada Secretariat (TBS) for incorporation into the central *Federal Contaminated Sites Inventory* and the central *Federal Solid Waste Landfills Inventory*, both managed by TBS. This is mandatory for sites known to be contaminated as of 1 April 1998 and optional on contaminated sites that were remediated before 1 April 1998.