

Property Leasing – Issues for Tenants to Consider

A lease agreement will regulate the rights and entitlements of the landlord and tenant in relation to the use of the leased premises (and also any common areas to be used in common with other occupants and invitees).

In some jurisdictions there are statutory provisions that will also apply (such as retail leases legislation).

Typically, the following issues arise in leasing matters:

- negotiation of the heads of offer
- consideration of the tenant entity to be used
- preparing and/or reviewing information to be provided to landlord
- assessing the suitability of premises and the current or intended fitout
- assessing the condition of premises, fitout, common areas and essential services
- considering the term of lease, and any options to renew the lease
- rental structure and review formulae
- rent free or other concessions granted by landlord
- other costs of the lease (eg outgoings, cleaning, GST etc)
- security requirements (eg bank or personal guarantee, etc)
- insurance requirements (plate glass, fitout, stock, public liability, etc)
- signage requirements (exterior and interior)
- fitout requirements (before and after taking occupation)
- redecoration obligations during the term of the lease
- rights to assign, sublet, etc and if so, landlord's requirements
- rights to non-exclusive use of common areas during term of lease
- landlord's guarantees, indemnities and representations
- landlord's rights (eg access, to remedy breaches, etc)
- relocation and refurbishment provisions
- rights in the event of damage or destruction to the premises
- default and consequences of default
- obligations on termination
- costs and fees associated with the lease

- interplay with statutory requirements (eg retail leases legislation)
- car parking licensing arrangements

Why choose DLS?

Like most areas of the law, leasing can have its complexities and pitfalls.

Our lawyers:

- have considerable experience and expertise in property matters and lease negotiations, having acted for landlords and tenants in residential, retail, commercial and industrial property matters.
- adopt a pragmatic and commercial focus.
- adopt the highest ethical standards.
- aim to get the job done as soon as possible.
- are contactable by phone, fax and email for direct access.

We offer cost estimates in all leasing matters at competitive hourly rates. Cost agreements are issued in all matters.

We also have a network of valuers, surveyors, property consultants and other consultants if required.

We also have strong affiliations with mortgage brokers and lenders. This means you can have direct access to an experienced and fully qualified mortgage broker who can arrange personal and commercial finance through the major financial institutions in Australia, including all the major banks. Relocation and fitout finance can also be arranged.

For further information, contact:

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