

Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS



PROPERTY LAW

Commercial & Retail Leases

Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS



Retail and commercial leases

Retail and commercial leases can be a minefield to navigate for both landlords and tenants, and if not handled correctly, can be costly to rectify. It is imperative to obtain the right advice before making a legally binding commitment and entering into a lease.

Our experienced property and commercial lawyers understand that for tenants,

finding the right commercial space is critically important for your business. For landlords, it is paramount to secure a reliable tenant whilst ensuring your commercial objectives are achieved.

We will make sure you have all the information you need to make an informed decision and that your best interests are protected.

What's the difference?

It can be tricky to understand whether your lease is a retail lease or commercial lease.

Across the States and Territories, there are different definitions of what constitutes a retail shop. However, if the following apply, the lease will likely be considered a Retail Shop Lease:

- It is a type of business described as a 'Retail Shop' under the legislation for the state in which the business is conducted; or
- The business is conducted in a retail shopping centre; or
- Premises which is used wholly or predominately for the carrying on of a retail business.

It is important to seek legal advice as to whether or not the premises you are leasing falls under retail shop legislation.

What you will need to organise

Are you a Tenant?

As a tenant, entering into a lease can be a daunting process. Whether it is your first-time leasing, or you're an experienced tenant, it is imperative to obtain legal advice prior to signing any lease documentation (including an Agreement to Lease). If you do not obtain legal advice prior to entering into a lease, this may have serious legal and financial consequences for you. Our lawyers will ensure you are guided through the process, giving your business the best chance for success in its new premises.

Are you a Landlord?

The Landlord's solicitor usually drafts the lease documentation. We have extensive experience in drafting lease agreements enabling us to ensure your commercial objectives are met and you are safeguarded against the common pitfalls of leasing. If the lease is considered a "Retail Lease", you have additional disclosure obligations to abide by in accordance with the Retail Shop Legislation.



The process

A lease is a Contract between the owner of a property (known as the Landlord or the Lessor) and the occupier of the premises (known as the Tenant or Lessee). The Lease sets out the terms of the agreement and the rights and obligations of each party. The Tenant or Lessee's occupancy of the premises is usually for the purpose of carrying on a business.



STEP 1

Negotiation of terms. These details will include:

- Permitted use of premises
- Lease duration
- Rent
- Outgoings
- Any incentive period
- Security Bond or Bank Guarantee
- Option periods
- Assignment and subleasing
- Termination



STEP 2

Disclosure Statements (if applicable). For leases covered by the retail shop leases legislation, the landlord will also be required to provide a disclosure statement that outlines the most important terms of the lease and other information about the centre (if applicable) at least 7 days before the tenant enters into the lease.



STEP 3

Preparation of lease. Once the general terms of your Retail or Commercial lease have been agreed upon, either directly between the tenant or landlord or through an agent, the landlord's solicitor will be provided with the relevant details to prepare the lease. The landlord's solicitor will send the lease to the tenant's legal advisor for approval or amendment.



STEP 4

Agreement and signing. When the terms are agreed and finalised, the tenant (followed by the landlord) will sign the lease. For leases covered by the retail shop leases legislation, the tenant is required to provide its own disclosure statement, financial advice report and legal advice report.



STEP 5

Mortgagees consent and registration. The landlord will arrange for its mortgagee to consent to the lease (if required). If the term of the lease is more than three years, the landlord should arrange registration of the lease to protect your ongoing occupancy rights

Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS

Meet our Property & Commercial team:



Jeff Garrett

Legal Practice Director

07 5506 8201

0419 304 174

jgarrett@attwoodmarshall.com.au



Jess Kimpton

Department Manager

07 5506 8214

0423 587 300

jkimpton@attwoodmarshall.com.au



Taylah Lein

Department Manager &
Senior Paralegal

07 5506 8208 | 0484 281 196

aturner@attwoodmarshall.com.au



Alexandra Hughes

Lawyer

07 5536 9777

ahughes@attwoodmarshall.com.au



Mieke Elzer

Lawyer

02 6670 1002

melzer@attwoodmarshall.com.au



Bronwyn Scofield

Lawyer

07 5506 8225

0438 173 474

bscofield@attwoodmarshall.com.au



Helen Matthews

Lawyer

07 5506 8202

hmatthews@attwoodmarshall.com.au



Jorja Brewer

Paralegal

07 5506 8232

jbrewer@attwoodmarshall.com.au

Helping people and changing their lives for the better.

Integrity. Understanding. Responsibility.

Coolangatta

72 – 80 Marine Parade,
Coolangatta
PO BOX 334,
Coolangatta
QLD 4225

Open:

Mon: 7.30am - 5.30pm
Tue: 7.30am - 5.30pm
Wed: 7.30am - 5.30pm
Thur: 7.30am - 5.30pm
Fri: 7.30am - 5.30pm
Sat: Closed
Sun: Closed

Robina Town Centre

Shop 4135, Robina
Town Centre,
Robina
PO BOX 4358 Robina
QLD 4230

Open:

Mon: 8.30am - 5.00pm
Tue: 8.30am - 5.00pm
Wed: 8.30am - 5.00pm
Thur: 8.30am - 9.00pm
Fri: 8.30am - 5.00pm
Sat: 9.00am - 12.00pm
Sun: Closed

Southport

Suite 10, Level 10,
36 Marine Parade
(Commercial Tower),
Southport QLD 4215

Open:

Mon: 8.30am - 5.00pm
Tue: 8.30am - 5.00pm
Wed: 8.30am - 5.00pm
Thur: 8.30am - 5.00pm
Fri: 8.30am - 5.00pm
Sat: Closed
Sun: Closed

Kingscliff

Level 2, Suite 24,
42 Pearl Street,
Kingscliff
PO BOX 1413 Kingscliff
NSW 2487

Open:

Mon: 8.30am - 5.00pm
Tue: 8.30am - 5.00pm
Wed: 8.30am - 5.00pm
Thur: 8.30am - 5.00pm
Fri: 8.30am - 5.00pm
Sat: Closed
Sun: Closed

Brisbane

Level 27 Santos Place
32 Turbot Street Brisbane
QLD 4000

Sydney

Level 25, 100 Mount Street,
North Sydney
NSW 2060

Melbourne

Level 2, Riverside Quay,
1 Southbank Blvd, Melbourne
VIC 3006

Contact Attwood Marshall Lawyers on **1800 621 071** or email info@attwoodmarshall.com.au to speak to one of our experienced lawyers today.



Attwood Marshall
LAWYERS