

Commercial Tenancy Agreement

Fourth Edition

This Tenancy Agreement is made between the Lessor and the Tenant. The Lessor leases to, and the Tenant accepts a lease of, the Premises for the rent payable by the Tenant, subject to the terms of this Agreement.

THIS AGREEMENT COMPRISES THE REFERENCE SCHEDULE AND COMMERCIAL TENANCY AGREEMENT CONDITIONS.

DO NOT USE THIS DOCUMENT:

- FOR RESIDENTIAL TENANCIES.
- FOR PREMISES COVERED BY THE RETAIL SHOP LEASES ACT 1994 (Qld).
- WHERE THE TERM OF THE LEASE (INCLUDING OPTIONS) EXCEEDS THREE (3) YEARS.
- WHERE REGISTRATION UNDER THE LAND TITLE ACT 1994 (Qld) IS REQUESTED BY THE TENANT.
- WHERE A HIGH VALUE LEASE IS TO BE ENTERED INTO AS YOU MAY NOT OBTAIN THE PROTECTION OF A LEASE PREPARED BY A SOLICITOR.

INSTRUCTIONS TO COMPLETE

1. The parties should be advised to seek legal advice about the Tenancy Agreement. Reference should be made to Sections 24(3A) to (7) of the Legal Profession Act 2007 (Qld) when preparing and completing this Agreement.
2. This Agreement provides for rent to be reviewed by either an index review or by fixed increases. It is not suitable for use where rent is to be reviewed to market except if the Agreement provides for an option (refer clause 15.1).
3. Only certain outgoings are recoverable in all circumstances (see the definitions of "outgoings" in clause 1.2). Additional outgoings may be recovered by ticking the boxes at Item 10(b).
4. Ensure that all items are completed in the Reference Schedule.

- Item 1:** Full name/s of the owner/s of the property and their address. If the Lessor is a company, include ABN. DO NOT use a business name.
- Item 2:** Full name/s of the Tenant. If the Tenant is a company, include its ABN. DO NOT use a business name.
- Item 4:** The Premises must be clearly identified e.g. "Suite 3, 45 John Street, Spring Hill" etc. If not able to be identified by name, a sketch plan must be attached to the Agreement and the address must be included at Item 4.
- Item 6:** Insert the period of the further Tenancy, e.g. "6 months" or "1 year" or "not applicable". The total term of the lease including any options is not to exceed three years. Plus insert the notice period to exercise the option.
- Item 8:** Insert the date/s on which the rent is to be reviewed and the method of the rent review or "not applicable".
- Item 9:** The Permitted Use should be stated clearly.
- Item 10(a):** Insert the percentage of outgoings the Tenant is to pay, e.g. "25%" or "100%" or "Not applicable".
- Item 10(b):** Tick any additional outgoings the Tenant is to pay.

Reiq Commercial Tenancy Agreement

**Lawrence Eisenberg,Jonathan
Mechanic,David Alan Richards**

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Current Law Index, 1986 The Australian Digest, 1988 Periodicals in Print: Australia, New Zealand & the South Pacific Isa Australia Staff, 1997 **Commercial Real Estate Leases** Mark A. Senn, 2017 In the fast changing world of commercial real estate terms like fair rental value net lease or duty of good faith can mean many different things depending on the circumstances of the deal So when negotiating and drafting complex leasing agreements it s imperative you know what these provisions can mean have alternate provisions readily available and know when and how to use them properly **Commercial Real Estate Leases Preparation Negotiation and Forms Sixth Edition** can make it easier Written by nationally recognized real estate attorney Mark Senn this highly acclaimed guide Explains the legal principles behind each lease provision in clear user friendly terms Offers balanced discussion of the practical applications of the law from the landlord tenant and the lender perspectives where applicable Provides specific examples of alternate clauses that address each party s precise needs Logically organized to follow the typical commercial real estate lease each chapter takes you clause by clause through all of the issues you need to understand in order to represent clients effectively in commercial real estate transactions including Rent fixed market and percentage Operating expenses Options to expand buy or extend Space measurement and resulting economics Subordination non disturbance and attornment agreements Drafting exclusive provisions Understanding insurance provisions Tax provisions and federal income tax consequences Use issues Condemnation **Commercial Real Estate Leases Preparation Negotiation and Forms Sixth Edition** includes a free companion CD ROM containing all of the leasing forms discussed in the guide Previous Edition **Commercial Real Estate Leases Preparation Negotiation and Forms Fifth Edition** ISBN 9781454805304 **The Commercial Office Lease Handbook** Lawrence Eisenberg, Jonathan Mechanic, David Alan Richards, 2003 This manuscript offers a comprehensive overview of New York leasing law It breaks down each section of a lease by describing its general purpose providing sample form language and analysing the landlord s and tenants concerns with the provision *Commercial Real Estate Leases* Mark A. Senn, 1990

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