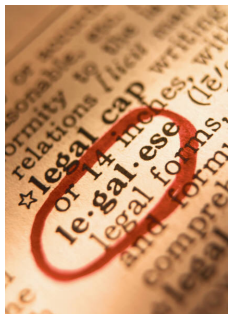


TCRC *Property Update*

Our TCRC *Property Updates* are intended to bring important property issues to your attention.

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Kylie Charlton
Licensed Estate Agent



Retail Leases - Proposed Legislation Changes

The Retail Leases Amendment Bill 2005 was introduced to the Victorian Parliament on 10th October 2005. The proposed changes, if enacted, will resolve a number of deficiencies that Owners and Tenants currently have to endure under the current Retail Leases Act 2003, Retail Tenancies Reform Act 1998 and Retail Tenancies Act 1986.

Some of the changes being considered include:

Obligation for the Lessor to maintain in "good repair" - removed in certain circumstances

Owners are currently required to maintain their properties in "good repair". This obligation applies even where the Tenant initially accepts the condition of the property and rent reduction agreement is made by the parties. The proposed changes to legislation will require Owners to maintain premises only to the condition of the premises at lease commencement. A condition Report at the commencement of a lease would provide evidence of such obligations.

Obligation to provide the Tenant with a signed copy of the Lease - extended by agreement

The proposed changes allow the Owner and Tenant to agree on a time frame for a signed copy of the lease to be provided. Currently the requirement is 28 days, which is difficult if you have an Owner who lives overseas or is on holidays.

Clarification of what constitutes a lease being "entered into"

Under the 2003 Act it was unclear as to when a lease was actually "entered into". The proposed changes state that a lease is "entered into" when any or all of the following occur:

- The Tenant takes possession with the Owner's consent
- The Tenant commences paying rent
- The Lease is signed by all parties

Failure to provide a Disclosure Statement - Rent claw-back provision to be abolished

Under the 1998 Act, the Tenant can cease paying rent until being provided with a Disclosure Statement and can claim claw-back rent from the lease commencement until a Disclosure Statement is provided. The Amendment Bill proposes to abolish this ability.

For more information, visit the website of the Small Business Commissioner www.sbc.vic.gov.au or [click here](#) to view the Circulation Print Explanatory Memorandum.



Upcoming Training, Seminars & Events

WorkSafe Victoria is conducting free workshops on bullying prevention. Visit www.workcover.vic.gov.au for further information.

The **REIV**, in conjunction with **Consumer Affairs Victoria**, is conducting free seminars on body corporate issues. Visit www.REIV.com.au for further information.

The Property Council of Australia is holding an Occupational Health and Safety briefing that will cover the changes of most importance to the property sector. Visit www.propertyoz.com.au for further information.



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