



**Commercial Lease
Specialists**

INFORMATION SHEET

Why you should never let a Tenant prepare your Lease

Let's just pretend for a minute that you are in the middle of an acrimonious divorce and to your horror you realise that your ex was the one who prepared the pre-nuptial agreement. (Well not your ex exactly but their Lawyers)

Hopefully that will never happen to you, but it serves as a reminder that things change and whilst you and your Tenant may have a great relationship now, that may not always be the case. And the last thing that you want is to refer to the Lease that you signed only to find that you don't have as many rights as you assumed.

When we prepare a Lease, we are continually thinking about protecting the Landlord's rights and whilst we attempt to be fair to the Tenant, where there is a conflict between those two things, we will always make sure that the Landlords rights prevail.

Contrast that to a Lawyer or Conveyancer acting for a Tenant. They must ensure that the Tenants' rights prevail.

For example, our Leases provide that if a Tenant breaches an essential term of a Lease, they can be liable for any damages you suffer for the entire term of the Lease – not so if the Lease was prepared by the Tenant.

What about the time frame that a Tenant must comply with when giving notice of renewal? We provide for a definite period whereas a Lease prepared for a Tenant probably wouldn't.

We provide that a Tenant must remedy a breach within 14 days of receiving notice. A Tenants Lease likely wouldn't and accordingly the tenant could drag their feet and you would have no recourse.

There are many examples that I could give but the real message is that under no circumstances should you allow the Tenant to prepare the Lease as when it all goes pear shaped, you may find yourself stuck in a bad situation that you can't change.

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