

FILE CHECKLIST – TENANT

	ACTION	DATE
1.	Send Legal Profession Uniform Law engagement/costs letter.	
2.	Obtain title search.	
3.	Obtain ASIC search of corporate landlord, tenant and guarantor.	
4.	Review instructions and obtain any further information or clarification.	
5.	Review draft lease and disclosure statement (if <i>Retail Leases Act 2003</i> applies).	
6.	Send copies of draft lease and disclosure statement to client with advice summarising significant aspects of the lease and those requiring amendment (draw the part proposing amendments in such a way that it can be adapted to serve as a submission to the landlord's solicitors). If agreement requires a bank guarantee, check lease for specifications (e.g. no expiry date) and ask client to make arrangements.	
7.	When client has provided instructions to proceed, send submission to landlord's solicitors in relation to lease and disclosure statement.	
8.	When reply received, check that the revised draft correctly reflects the points agreed and identify the amendments rejected. Report to client and make recommendations in relation to outstanding issues.	
9.	If client wishes to pursue any outstanding issues, re-submit to landlord's solicitors, if appropriate, reinforcing the case for change.	
10.	When negotiations completed, ensure all agreed amendments are appropriately reflected in the documents.	
11.	Have the lease and disclosure statement signed by the tenant and any guarantor; request bank guarantee/bond and insurance certificate.	
12.	Check execution of document then send lease parts to landlord for signing and return and one signed copy of the disclosure statement.	
13.	Check bank guarantee/bond and insurance certificate against lease then send to landlord's solicitors.	
14.	When lease part returned executed by landlord, check using ASIC search to see if signatories are authorised. If signed under power of attorney, request certified copy.	
15.	Obtain copy mortgagee's consent from landlord's solicitors and check that consent is not qualified.	

	ACTION	DATE
16.	<p>Send tenant:</p> <ul style="list-style-type: none"> • executed lease part, disclosure statement and original mortgagee consent (retain copies of each); • written advice: <ul style="list-style-type: none"> - that file will be placed in storage and that no responsibility is accepted for reminding them to give notice at the appropriate time of exercise of the option to renew; and - of the need to diarise also for replacement of bank guarantee prior to expiry date (if the bank guarantee has an expiry date) and topping up of the bank guarantee/bond (if applicable) <p>as no responsibility is taken for reminding them of these matters.</p>	
17.	Retain photocopy lease, disclosure statement, insurance certificate, bank guarantee and mortgagee consent.	
18.	Return any superseded documentation held in deeds/on file to client to be retained by them for historical/ taxation purposes.	

Acknowledgement

The Law Institute of Victoria acknowledges and thanks the author, Derry Davine, for granting a licence to publish this checklist.

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