

COMMERCIAL LEASES IN AUSTRALIA

Ninth Edition

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Commercial Leases in Australia Ninth Edition is an up-to-date and practical guide to understanding and drafting commercial lease agreements in Australia and to managing disputes when they arise.

This new edition is thoroughly updated to reflect all statutory changes and case law on commercial leasing since September 2017. It concentrates on court decisions and makes reference to all retail shop leases legislation of relevance to the subject under consideration.

It will help solicitors, accountants and real estate agents to tackle the common problems arising in relation to commercial leases in Australia. For real estate agents, in particular, this book will help limit legal liability when managing commercial leases.

Legislative developments. Amendments to retail leasing legislation in seven jurisdictions are considered. These include:

- relief measures granted to lessees under the National Mandatory Leasing Code and applicable COVID-19 leasing legislation are examined and their impact on key principles is explained;
- substantial amendments in Victoria (*Retail Leases Amendment Bill 2019*) and South Australia (*Retail and Commercial Leases (Miscellaneous) Amendment Act 2019*) - both of which make significant changes to the obligations of the lessor and application of the Acts; and
- the impact of legislative amendments to Commonwealth legislation affecting commercial leases, such as the *Building Energy Efficiency Disclosure Act 2010* (Cth) and Part 5.3A *Corporations Act 2001* (Cth) (abolition of ipso facto clauses).

Case law developments. Updated case analysis from all jurisdictions including more notable Court of Appeal and other decisions such as:

- *Papantoniou v Stonewall Hotel Pty Ltd* [2018] NSWCA 85 - Service of notices of option to renew;
- *Canary Wharf (BP4) T1 Ltd v European Medicines Agency* [2019] EWHC 335 - frustration of leases;
- *Darzi Group Pty Ltd v Nolde Pty Ltd* [2019] NSWCA 210 - what constitutes binding heads of agreement;
- *Strike Australia Pty Ltd v Data Base Corporate Pty Ltd* [2019] NSWCA 205;
- *Redgum Developments Pty Ltd v G8 Education Ltd* [2020] VSC 142 - matters to which a valuer acting as an expert may have regard in relation to rent review;
- *Drama Unit Pty Ltd v Fearndale Holdings* [2019] NSWCA 312 - eviction where lessee deprived of possession; and
- *C BCH Group Pty Ltd (No 2)* [2020] FCA 472 - conduct of administrator of lessee under circumstances of COVID-19.

In addition to content changes, format improvements have been made throughout all chapters by adding headings and subheadings to make the text more accessible, and the inclusion of much new material under new headings, reflecting the concentration of litigation since July 2017.



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