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Commercial sublease agreement template australia

COMMERCIAL SUBLEASE AGREEMENT This Commercial SubLease Agreement is made on this day of [Date] by and between: [Name of the Lessee] [address of the Lessee] hereinafter referred as the Lessee, which expression shall mean and include his legal heir and successors AND [Name of the subtenant] [address of the subtenant] hereinafter referred as the Sub-Tenant, which expression shall mean and include his legal heir and successors. Whereas, by a Lease Deed on [Date] made between [Name], residing at [Address of the Lessor] the Lessor and [Name of the Lessee], residing at [Address of the Lessee] the Lessee, a commercial building situated at [Address of the Premises] (the Premises) was leased to the Lessee on the terms and conditions of the said Lease Deed [Master Lease Deed] dated [Date]. The said Lease Deed provides for a sub-lease clause by the clause [Clause] in the Lease deed. 1. The Sub-Lease shall commence on [Date of starting of the Sub-Lease] and shall be complete and ended on [Date of ending of the Sub-Lease]. The Sub-tenants shall pay to the Tenants the sum of Aus. \$ [Amount] per month for the rent for the period commencing [Date/Term]. 2. The Sub-tenants shall abide by all terms and conditions in the Lease Deed dated [Date of Master Lease Deed] as if they were signatories thereto. The Lessee shall provide a copy of the Master Lease Deed dated [Date] to the Sub-Tenant. 3. This sublease is for a commercial purpose only for such business activities, which are agreed, by the Lessor and the Lessee in the said Master Lease Deed. The Sub-Tenant will not use or permit the premises to be used for any illegal or improper purposes. 4. Along with the execution of this Sub-Lease Deed, the Sub-Tenant shall deposit sum of Aus. \$ [Amount] as Damage Deposit paid to the Lessor to guarantee that the Subtenant shall not damage the said Premises. 5. This Lease shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of [State], Australia. It is agreed between both the parties that they waive the trial by jury and agree to submit to the personal jurisdiction and venue of a court of [State], Australia. 6. Termination: This Lease Agreement shall automatically come to an end on the expiry of the Master Lease Deed or at the end of its term, whichever happens earlier. This Lease Agreement may also be terminated by either of the Party by providing one-month notice to each other. 10. This Sub-Lease shall be governed as per the laws of State of [State], Australia where the said premises is situated. Sub-Landlord Sub-Tenant _____ Date: Date: This Sublease Agreement is for the subleasing of a residential property by an original tenant to another party. If you are subleasing a property, it is important to clearly state the terms of that sublease as these are not covered under the Residential Tenancies Act. It is a requirement that your Landlord approves of this sublease. This Sublease Agreement clearly documents the obligations of both the tenant and the subtenant during the sublease period. Use this Sublease Agreement if: You are a tenant (as stated on the original lease) and are subleasing the rental property to another party. What does the Sublease Agreement cover? Premises; Sublease term; Terms for the sub-lessee to pay the rent; Security deposit; Landlord's consent; Incorporation of master lease; and Subleasing and assignment. Other names for Sublease Agreement include: Sublease Contract; Sublease Agreement Form; and Subletting Contract. Other documents you may need: Follow the steps below and you'll have your ready-to-use document in no time. Set up a free Lawpath account Search and find the document you need from our list Follow the prompts and fill in all the relevant details Download your document in ready-to-use PDF or Docx* format. Access from any device, at anytime. A giant library of template documents combined with a legal marketplace make this a must have for any small business owner. You can register a trademark both as an individual and as a business. Find out about registering a trademark as a company here. Not sure if you should register an ABN for your hobby? Find out whether it's time to get an ABN by asking yourself these questions. Find out everything you need to know about company registrations in Australia and some interesting trends from 2020. Not sure what you need? Call and speak to one of our consultants for free on Australia's leading Online legal website Lawpath has been recognised as a leader and innovator across the legal sector. There comes a time in the life of every business when change is necessary. Whether your business outgrows its current space, or you just want to relocate, your need for change may be thwarted if you can't get out of your Commercial Lease Agreement. If you need to move your business to a new location, or if you just want to close up shop, you may first need to find a new tenant that will take your place. To do this, you will need to enter into a Commercial Sublease Agreement. Here is what you need to know before you take this step: WHAT IS A COMMERCIAL SUBLEASE? Whenever you enter into a Commercial Property Lease, you sign a binding contract with the property owner agreeing to all its terms and conditions. Commercial property leases usually have a term of several years with options to extend the term. If you want to change premises or close the business, you may have to find someone who is willing to take your place. When you find that person, you can grant them the right to occupy the premises on your behalf if you enter into a Commercial Sublease Agreement. WHEN CAN I USE A COMMERCIAL SUBLEASE? If you are a tenant in a commercial property, you may be able to sub-let the premises to a third party. To do this, you will first have to ensure the terms of the commercial lease allow you to sub-let. You may have to ask permission of your landlord first, or you may be able to do so without their express consent. In other words, make sure you check your lease. WHAT'S THE DIFFERENCE BETWEEN SUBLETTING AND ASSIGNING A LEASE? When you sublet all or part of the premises to another tenant you are still obliged to honour your obligations under the commercial lease contract with the landlord. If you would prefer to assign all your rights and obligations under the lease to another party, you would use an Assignment of Lease agreement. Under an Assignment of lease agreement, the new tenant agrees to assume all your rights and obligations and indemnifies you against any further obligation to the landlord. HOW DO I ENTER INTO A COMMERCIAL SUBLEASE? You will need to make sure a subletting the premises is permitted under the terms of the lease. Once you know you can sublet, you'll need to find a potential tenant. After you find a suitable party, you'll need draft and enter into a Sublease Agreement for Commercial Property that states the rights and duties of each party. WHAT NEEDS TO BE STATED IN THE SUBLEASE AGREEMENT? Make sure the terms of the Sublease Agreement makes it clear who is responsible for what. Rent, duration, sub-tenant's obligations and duties, all of these issues must be made clear so no one is confused as to what their responsibilities are. CAN I SUBLET PARTS OF THE PREMISES? It may be possible to enter into a sublease agreement where you only grant the right to occupy part of the premises to the new party. Again, you'll have to make sure it is ok with your landlord, but partial assignments are common. Like any other legal contract, your Commercial Sublease Agreement needs to be clear, concise, and easy to understand. It doesn't help anyone if your agreement is incomplete or weighed down with draconian terms and conditions. Not only that, but you want to make sure all parties involved can understand what their rights and obligations are. Ensuring your Commercial Sublease Agreement clearly states the intentions of both parties will protect those involved and avoid misunderstandings. By Ian MacLeod Change is necessary in business as it is in life. Whether your business has outgrown its current space, or you just want to relocate then you may run into problems if you can't get out of your current Commercial Lease Agreement. Alternatively, you may need to downsize and find you have more space than your business now needs. One solution to these problems is to enter into a Commercial Sublease Agreement to sublet all - or just a part - of your leased commercial space. Here is what you need to know before you take this action: - WHAT IS A COMMERCIAL SUBLEASE? A sublease is an agreement between yourself and a third party 'sub-tenant' under which you agree to give the sub-tenant the exclusive right of possession of the whole or part of the premises. The rent payable to you by the sub-tenant and the sub-tenant's other rights and responsibilities should all be contained in the Sublease Agreement. With a Sublease Agreement, the tenant is responsible to you, not your landlord. The lease you have entered into with the landlord will remain in full force and effect and you will continue to remain responsible under your original lease to the landlord until the lease ends. Be aware that the term you are giving your sub-tenant cannot be more than the term you are entitled to under your head lease with the landlord. STEPS TO USE A COMMERCIAL SUBLEASE First you'll need to make sure that the terms of your original lease allow you to sub-let and you will need to ask for your landlord's permission in writing first. Make sure you check your original lease before committing to anything and get the landlord's consent to sublet if it is required. WOULD ASSIGNMENT BE A BETTER OPTION? If you are a tenant in a commercial property, you might be able to assign your lease rights and duties to a third party. The third party 'assignee' agrees to take your place as tenant on your lease with the landlord. The assignee will assume all of your rights and responsibilities and essentially will become the tenant under the original lease with the landlord. If an assignment of lease is what you are after, see here. HOW DO I ENTER INTO A COMMERCIAL SUBLEASE? You will need to make sure a sublease is possible under the terms of the lease to begin with. Once you know you can do it, you'll need to find a potential sub-tenant and get the landlord's consent in writing. After this is sorted, you'll have to draft and enter into a Sublease Agreement for Commercial Property that states the rights and duties of each party. WHAT NEEDS TO BE STATED IN THE AGREEMENT? The Sublease Agreement should clearly and precisely deal with the following issues; identification of the parties, term of the sublease arrangement, the rent and how it should be paid, repairs and maintenance, Insurances, head tenant's duties, sub-tenant's duties, etc. The following is an excerpt from our sublease agreement CAN I SUBLET PART OF THE PREMISES? It may be possible to enter into a sublease agreement for only part of the premises. Again, you'll have to make sure that this is not in violation of the original agreement with your landlord and get your landlord's written consent if necessary. Like any other legal agreement, your Commercial Sublease needs to be well written, easy to understand and precise, allowing no room for error. You can download a copy of the RP emery Commercial Sublease Agreement here Your ready-to-use kit includes everything you need to sublet commercial property; Professionally drafted Commercial Sublease Template Easy-to-follow Instructions Friendly customer support Contract Preparation Hints, Secrets and Tips Guide Our fully secured ecommerce system allows you to purchase and immediately download this Agreement safely and with complete peace of mind. In just a few minutes you can have your professional legal agreement.

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