

Application for help to resolve a dispute about rent relief in response to coronavirus

For disputes about temporary leasing arrangements under the Victorian Government's [Commercial Tenancy Relief Scheme \(the Scheme\)](#)

Before completing this application form, you might want to consider getting legal advice or calling the [Victorian Small Business Commission \(VSBC\)](#) on 13 8722 or TTY 03 9651 7596.

The details you provide in this form might be sent to the other party. Sending us this form means you agree to this. There is no cost for the help we provide by phone, email or for mediation to resolve disputes about rent relief in response to coronavirus (COVID-19). If you would like to speak with us in your language about how we can help, call us through the [Translating and Interpreting Service](#).

Please provide as much of the below information as you can to help us assist you. For further help in completing this form, see our [responses to frequently asked questions](#).

Have you contacted us before about a dispute? Yes No

Is this an application for further rent relief? Yes No

If this is related to a previous VSBC rent relief dispute, please state the VSBC reference number (see the subject line of the VSBC correspondence): 20/XXXXXX

If you are a landlord, please go to the tenancy details section. If you are a tenant, please answer the following questions about your small business:

Tenant questions: your small business

How many people do you employ? 0 1-4 5-19 20-199 200+

Is the aggregate turnover of your business less than \$50 million? Yes No

Are you taking part in the Commonwealth Government's JobKeeper scheme? Yes No

Please attach your evidence (required).

N.B. evidence includes your Business Registration for JobKeeper Wage Subsidy receipt number issued by the ATO (this can be requested from the [ATO's call centre](#)) and a copy of your most recent notice to the ATO under the JobKeeper Rules.

What per cent reduction in turnover have you experienced because of coronavirus (required)?

N.B. turnover is calculated using the [actual decline in turnover test](#). You can compare GST turnover for the quarter ending 30 September 2020 (July, August and September 2020) with the corresponding quarter in 2019. To work out actual turnover, tenants need to use a cash or accruals basis, though they must use the same method for both quarters (2020 and 2019).

80%

Please attach one of the following (required):

- extracts from your accounting records or
- your most recent business activity statement(s) for the relevant turnover period or
- your account statements (issued by an authorised deposit-taking institution e.g. a bank)
- a statement prepared by a practising accountant.

Please provide:

- all other evidence you have provided to your landlord, including your written request for rent relief and
- all relevant correspondence and other materials sent between you and your landlord after you requested rent relief.

Tenant/landlord questions: tenancy details

<p>Type of lease</p> <p><i>N.B. please provide a copy of your lease (required) by attaching or emailing enquiries@vsbc.vic.gov.au with a letter to the VSBC that clearly identifies the dispute and includes your reference number (if one has been issued).</i></p>	<p><input checked="" type="checkbox"/> Retail <input type="checkbox"/> Commercial <input type="checkbox"/> Other (please specify):</p>
<p>Tenant's name on the lease</p>	<p>Amal Khan</p>
<p>Business or trading name (if this applies)</p>	<p>Exhibition Street Food</p>
<p>Shopping centre name (if this applies)</p>	
<p>Street address including shop number(s) (if this applies) and suburb/city/town and state</p>	<p>121 Exhibition Street, Melbourne Victoria</p>
<p>Postcode</p>	<p>3000</p>
<p>What is the premises used for?</p>	<p>Restaurant – dine in and takeaway</p>
<p>What is the start date of the lease or lease extension?</p>	<p>1 September 2017</p>

Applicant details

N.B. the applicant is the name of the person, business or company applying for help to resolve the dispute. If there is more than one applicant, please provide the names and addresses of these applicants and their representatives using copies of the attachment at the end of this form.

If the tenant or landlord is represented by an agent or solicitor, please provide the names, addresses and telephone numbers for **both** the tenant or landlord **and** the agent or solicitor.

Is the applicant a landlord or tenant? Landlord Tenant

<i>If the applicant is a business or company</i>	OR	<i>If the applicant is not a business or company</i>
Business or company name Amal Khan trading as Exhibition Street Food		Name
Business or company ACN or ABN (if this is known) XX XXX XXX XXX		
Name of the person who is the contact for the business or company Amal Khan		
Street or postal address including suburb/city/town and state 121 Exhibition Street, Melbourne Victoria		Street or postal address including suburb/city/town and state
Postcode 3000		Postcode
Phone 03 XXXX XXXX		Phone
Email (if the applicant has one) amal@food_food.com.au		Email (if the applicant has one)

Name of the applicant's representative (e.g. solicitor or estate agent) Adrian Rafferty, Rafferty & Associates, solicitor
Street or postal address including suburb/city/town and state 123 Collins Street, Melbourne Victoria
Postcode 3000
Phone 03 XXXX XXXX
Email (if the representative has one) adrian.rafferty@lawyer_lawyer.com.au

Respondent details

N.B. the respondent is the name of the other party (the person, business or company that the applicant is in a dispute with). If there is more than one respondent, please provide the names and addresses of these respondents and their representatives using copies of the attachment at the end of this form.

*If the tenant or landlord is represented by an agent or solicitor, please provide the names, addresses and telephone numbers for **both** the tenant or landlord **and** the agent or solicitor.*

Is the respondent a landlord or tenant? Landlord Tenant

<i>If the respondent is a business or company</i>	OR	<i>If the respondent is not a business or company</i>
Business or company name		Name Robyn and Simon Nguyen
Business or company ACN or ABN (if this is known)		
Name of the person who is the contact for the business or company		
Street or postal address including suburb/city/town and state		Street or postal address including suburb/city/town and state 10 Isabella Avenue, Brighton Victoria
Postcode		Postcode 3169
Phone		Phone 03 XXXX XXXX
Email (if the respondent has one)		Email (if the respondent has one) N/A

Name of the respondent's representative (e.g. solicitor or estate agent) Eric Johansson, Melbourne Hospitality Real Estate, agent
Street or postal address including suburb/city/town and state 35 Little Bourke Street, Melbourne Victoria
Postcode 3000
Phone 03 XXXX XXXX
Email (if the representative has one) eric@m_h_r_e.com.au

Dispute details

Please provide a brief description of your dispute. If you would like to provide additional documents that relate to the dispute, please attach them to the same email.

Rent relief for the period from 29 March to 29 September 2020 was negotiated and an agreement was reached at mediation with the VSBC (held 25 June 2020). The tenant and the landlords agreed to 80 per cent rent relief – half of it was waived and the other half was deferred for payment over 24 months, starting from October 2020.

The restaurant remained closed during the second wave of coronavirus with a minimal income coming from takeaway – the reduction in turnover remains at 80 per cent. I approached the landlords and their real estate agent asking for additional rent relief, but they have not responded to my emails and letters. I have attached relevant documents and correspondence.

I would appreciate it if the VSBC could contact the landlords and assist us in negotiating further rent relief.

Rent and rent relief claimed (required):

Rent: \$9,979.90 plus GST per month

Rent relief claimed: Eighty per cent rent reduction from 29 September until 31 December 2020 and a further deferral of the repayments due from 1 October 2020

Before you submit this form, we would appreciate your feedback

How did you find out about us?

- | | |
|---|---|
| <input type="checkbox"/> Presentation delivered by the VSBC | <input type="checkbox"/> Your local council |
| <input checked="" type="checkbox"/> Your lawyer | <input type="checkbox"/> Online search taking you to our website |
| <input type="checkbox"/> Your accountant | <input type="checkbox"/> Social media |
| <input type="checkbox"/> Business network | <input type="checkbox"/> Media (print/online/radio e.g. news story) |
| <input type="checkbox"/> Industry/business association | <input type="checkbox"/> Other (please specify): |

How easy was it to apply for help?

	Very easy	Easy	Average	Difficult	Very difficult	N/A
Finding this form on our website	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Completing this form	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

Do you have any other feedback about this form?

Signature:

Date:/...../.....

Please send your completed form to:

Victorian Small Business Commission
GPO Box 4509, Melbourne VIC 3001

Email: enquiries@vsbc.vic.gov.au

Application Fee: no fee applies to the resolution of disputes under the Victorian Government's Commercial Tenancy Relief Scheme.

Privacy statement: the Victorian Small Business Commission endorses fair information handling practices. We do not collect or record personal information, except that which you provide freely via specific forms. Any information provided will be treated as confidential and used only for the purpose intended or stated in the form unless in exceptional circumstances where authorised by law.

Attachment

Attachment for applications for help to resolve a dispute about rent relief in response to coronavirus (COVID-19) under the Victorian Government's Commercial Tenancy Relief Scheme

*N.B. please use this attachment if there is more than one applicant or respondent. Please provide the names and addresses of the other applicants or respondents and their representatives. If the tenant or landlord is represented by an agent or solicitor, please provide the names, addresses and telephone numbers for **both** the tenant or landlord **and** the agent or solicitor.*

Information relating to:

Second / third / fourth / fifth (please underline the applicant or respondent number that applies)

Applicant / respondent (please underline the status that applies)

<i>If the applicant or respondent is a business or company</i>	OR	<i>If the applicant or respondent is not a business or company</i>
Business or company name		Name Amy and Anh Tran
Business or company ACN or ABN (if this is known)		
Name of the person who is the contact for the applicant or respondent		
Street or postal address including suburb/city/town and state		Street or postal address including suburb/city/town and state 12 Isabella Avenue, Brighton Victoria
Postcode		Postcode 3168
Phone		Phone 03 XXXX XXXX
Email (if the applicant or respondent has one)		Email (if the applicant or respondent has one) N/A

Name of the applicant or respondent's representative (e.g. solicitor or estate agent) Eric Johansson, Melbourne Hospitality Real Estate, agent
Street or postal address including suburb/city/town and state 35 Little Bourke Street, Melbourne Victoria
Postcode 3000
Phone 03 XXXX XXXX
Email (if the representative has one) eric@m_h_r_e.com.au