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| Retail leases: landlord rights and obligations |
| *Fact sheet* |

## **retail leasing support**

It’s important for Victorian landlords to understand their **rights and obligations** under the [*Retail Leases Act 2003* (the Act)](https://www.legislation.vic.gov.au/in-force/acts/retail-leases-act-2003/026).

Under the Act, the Victorian Small Business Commission (VSBC) provides [impartial help](https://www.vsbc.vic.gov.au/dispute-resolution/mediation-process/) to landlords and tenants to resolve **retail leasing disputes**.

Matters can range from a dispute over unpaid rent after a lease has been terminated to a dispute over repairing loss and damage to a premises.

Help includes **free preliminary assistance**, and if this doesn’t solve the matter, it can be progressed to **low-cost mediation**. This is where an independent mediator helps the tenant and landlord to negotiate a fair agreement – without the need for court.

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| retail leasing rights and obligations |
| **The VSBC website offers** [**guidance across a broad range of areas**](https://www.vsbc.vic.gov.au/your-rights-and-responsibilities/)**, including:**   * **entering into a retail lease**– including access to the VSBC retail leases information brochure, which a landlord must give the prospective tenant, along with a copy of the lease, as soon as negotiations start * **repairs and maintenance**– including rights and obligations when it comes to tenants notifying their landlord about damage to the premises, landlords repairing the damage and tenants receiving compensation * **ending a lease early**– including what a tenant needs to do at the end of their lease and what could prevent them from getting the security deposit back * **disclosure statements**– including access to the updated disclosure statements that were made available in December 2022 and the required timings for landlords to provide their tenants with the statement that’s most relevant to their situation * **rent increase disputes ­**– including how to request the appointment of an specialist retail valuer and what you can do if you disagree with a determination * **outgoings**– including the information about outgoings that a landlord must provide to their tenant and the requirement for outgoings to be listed in the lease to enable the tenant to be charged * **options and renewals**– including a landlord’s obligation to renew a lease, options to renew, timings and how to request an early rent review * **essential safety measures**– including smoke detectors, sprinkler systems, fire extinguishers, fire exit signs and annual safety inspections, and who should pay for them * **security deposits –** including a landlord’s obligation to return the security deposit and any interest earned to the tenant after the lease ends * **paying key money**– including the risk to landlords who seek or accept these payments, key money scenarios and the types of payments that landlords can request * **transfer of a retail leases premises**– including how a tenant requests consent from their landlord and reasons a landlord can withhold consent * **FAQs** – on topics including the following: * What are retail premises? * What should I be aware of before entering a lease? * What happens during a lease? * Who is responsible for paying land tax? * Can a tenant be prevented from assigning a lease? * When does a variation of a lease become a new lease? * Who determines the rent? * Under what circumstances can a tenant claim compensation from a landlord? * What happens at the end of a lease? * What if a tenant leaves the premises without notifying the landlord? |

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## **ACCESS MORE INFORMATION**

[Landlord and tenant FAQs](https://www.vsbc.vic.gov.au/fact-sheets-and-resources/faqs/#retail-tenants-and-landlords-faqs)

[Applying for our help](https://www.vsbc.vic.gov.au/application-forms/)

[Leasing rights and responsibilities](https://www.vsbc.vic.gov.au/your-rights-and-responsibilities/)

[Contact us](https://www.vsbc.vic.gov.au/contact-us/)

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|  | **Website**  [vsbc.vic.gov.au](http://www.vsbc.vic.gov.au) |  | **Email**  [enquiries@vsbc.vic.gov.au](mailto:enquiries@vsbc.vic.gov.au) |  | **Phone**  1800 878 964 |  |  |  |  |