

Preparation checklist *Form 7—Lease*

This checklist contains general information to assist practitioners complete a basic lease. It is not intended to be a complete guide. For further information about the requirements of a *Form—7 Lease*, refer to Part 7 of the Land Title Practice Manual available at <https://www.titlesqld.com.au/manual-guides/land-title-practice-manual/>.

Items

Item 1

- Do the lessor's name (and ACN/ARBN if required) and the title agree? The tenancy type must be shown if other than sole proprietor, tenants in common, joint tenants or joint tenants inter se?

Item 2

- Do the details agree with the title? If the lease is only over one lot in a multi lot title, is only the specific lot identified?

Item 3

- Is the lessee's name shown correctly and the tenancy (and shares if required) shown? **Note:** tenants in common must not have a lease which expires on the death of the lessee.
- If the lessee is to hold as a trustee, is 'as trustee' shown?

Item 4

- Is the interest being leased shown — for example Fee Simple, State Tenure, Lease No...?

Item 5

- Is the leased area correctly described? (Leases within a building need to show both the floor/level identifier and the lease area identifier e.g. Level 6, Shop A)
- Do the descriptions of the leased area/s shown in this item agree with those shown on the survey plan or on the attached sketch?
- If the lease is only over 1 lot in a multi lot title, is the specific lot identified?
- If the lease is for part of the land, is or will the survey plan be lodged to precede the lease?
- If a sublease, is the subleased area already capable of precise definition, or is a new sublease sketch and new unique identifier required?

Item 6

- Are the commencement date and expiry date/event (that is definable) shown?
- If the lease is to expire on the death of the lessee or the surviving lessee, is the expiry date shown as 'or on the death of the lessee or the surviving lessee'?
- Is the option clause completed? **Note:** referring to a page in the lease is not acceptable on a version 6 form.
- If the lessor is holding in a trustee capacity and the initial term plus options exceed 21 years, do the trust documents provide authority for the lessor to grant a lease?

- If the lease is for part of the land and the initial term and options exceeds 10 years, has the relevant local authority consented (Form 18) to this lease?
- Is a Form 25—Foreign Ownership Information required? A Form 25 is required if:
 - A lessee of freehold land or sub-lessee of State leasehold land is a foreign person (see Part 25 of the Land Title Practice Manual); and
 - The term (including available options) of the lease/sub-lease exceeds 25 years.
- If a sublease, does the term expire at least one day prior to the expiry of the head lease?
- Is the lease being lodged within the initial term? If not a Form 13 Amendment is required to be lodged.

Item 7

- Is a rental amount or consideration stated?

Item 8

- Are the non-applicable clauses deleted?
- If a schedule is referred to, is it attached to the lease form?
- Do the dealing numbers of any preceding leases — over the same area and in option time — that are being cancelled agree with the title?
- Is the form signed and dated by all parties?
- If executed under a power of attorney, is the attorney clause included, showing the principal's name, the attorney's name or the attorney's position and the Queensland registered power of attorney number. **Note:** the power of attorney must authorise the attorney to execute a lease.
- Is the witness qualified in accordance with Schedule 1 of the *Land Title Act 1994* and their full name shown?
- If executed under a common seal, is it legible and capable of being copied?
- If a company has executed without a common seal, are the company name and ACN/ARBN shown?
- Are the designations of the signatories for a company shown?
- If the lessor is not signing the document personally (e.g. it is being signed by a receiver/manager or mortgagee in possession), has the relevant evidence of their authority to sign on behalf of the lessor been attached?

Sketch

Part of a Building

- Does the sketch comply with the Land Title Practice Manual [7-2210], [7-2350], [7-2370] and the Registrar of Titles Directions for the Preparation of Plans 5.3.1 to 5.3.9?
- If the sketch is required to be prepared by a registered cadastral surveyor, is the certification completed?
- Is the sketch drawn to scale and show a north point?
- Is the current lot on plan description shown and the level of the building being leased shown?
- Is the leased area identified by a unique alpha character or shop number and delineated by either hachuring or outlining with significantly heavier lines than other lines on the sketch?
- Is the leased area defined by showing the area in square metres, the dimensions in metres and/or by structural elements?
- Is the leased area connected to a corner or corners of the building and the building connected from a corner to a corner of the base parcel of land by measured connections?

- Is the leased area unambiguously located and show relevant adjoining information?
- If the leased area is in parts, is each part described by a unique alpha character even if the areas are located on multiple levels?

Part of the Land

- Is a survey plan required to be lodged to precede the lease?
- Does the lease require an approval from a planning body on a *Form 18—General Consent* — for example a local government or Urban Land Development Authority?

Master sketch

- Is a master sketch or an updated master sketch required to be deposited?
- Does the master sketch comply with the Land Title Practice Manual [7-2355] and [7-2370], and the Registrar's Direction for the Preparation of Plans Section 5.3.10?
- Is the sketch drawn to scale on one side of paper no larger than international A I sized paper and show a north point?
- Does the sketch show an identifier and the location of every lease currently registered and where possible, proposed lease areas?
- Does the sketch provide an appropriate table showing all lease identifiers?
- Does the location and area of the lease in the master sketch, agree with that of the sketch in the lease form?

Form and evidence

- Have the correct form and version been used?
- Are the lodger's details shown?
- Are all pages numbered consecutively and show at least one title reference?
- Is any supporting documentation required to be deposited — for example mortgagee's consent on *Form 18—General Consent*, or Minister's approval?
- Are prior registered leases that are current, expired or in option time addressed?
- If the registration of the lease will operate to surrender an existing registered lease by operation of law – has evidence of written notice given to each registered mortgagee or lessee of the existing lease been deposited? Refer to the Land Title Practice Manual [7-2110] for evidence requirements.