

Checklist for Completion of Form 7 – Lease/Sub-lease (version 7)

This checklist contains general information to assist practitioners to complete a basic lease. It is not intended to be a complete guide. For further information about the requirements of a Form 7-Lease/Sub-lease, refer to Part 7 of the Land Title Practice Manual (LTPM) - Titles Queensland.

Items

Item 1 – Lessor

- ☐ Does the name of the lessor (including ACN/ARBN if required) agree with that recorded on the title? The capacity (e.g. personal representative or trustee) must be shown.

Item 2 – Lot on Plan Description and Title Reference

- ☐ Do the details agree with the title? Ensure that the title reference provided is for the current title for the lot(s).
- ☐ If the lease is only over one lot in a multi lot title, is only the specific lot identified?

Item 3 – Lessee

- ☐ Is the lessee an entity capable of holding an interest in land? 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 – Interest being leased

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

Item 5 – Description of premises being leased

Fields that **must** be completed

- ☐ Have the fields that need to be completed been identified and have the fields that are not required been deleted. Refer to Part [7-4051] of the LTPM.
- ☐ Has the Land Description been completed? Refer to Part [7-4052] of the LTPM.
- ☐ Is the lot containing the premises included in Land Description? If the lease is over multiple lots in a multi lot title, are all relevant lots identified?
- ☐ Is the Lease extent correctly described? Refer to Part [7-4053] of the LTPM.
- ☐ Do the descriptions of the Lease Extent /s shown in this item agree with those shown on the survey plan or on the attached sketch?

Item 5 – Description of premises being leased

Fields that **may** need to be completed, depending on type of premises being leased

- ☐ Has the Part of Land Area Description field been completed? Refer to Part [7-4054] of the LTPM.
- ☐ Has the Building Premises Designation field been completed? Refer to Part [7-4055] of the LTPM.



Item 5 – Description of premises being leased (continued)

- ☐ Has the Building Level field been completed? Refer to Part [7-4056] of the LTPM.
- ☐ Has the Building Identifier field been completed? Refer to Part [7-4057] of the LTPM.
- ☐ Has the Building Sketch Reference field been completed? Refer to Part [7-4058] of the LTPM.
- ☐ If lease is a sublease, is the subleased area already capable of precise definition, (e.g. for the whole of the head lease area) or is a new survey plan for the lease or lease sketch for the sublease and new unique identifier required (i.e. for a smaller area than the head lease)?

Item 6 – Term of lease

- ☐ Are the commencement date and expiry date/event (that is definable) shown? Refer to Part [7-4060] of the LTPM.
 - ☐ If the lease is to expire on an event, e.g. the death of the lessee or the surviving lessee, is the expiry event field completed appropriately e.g. 'or on the death of the lessee or the surviving lessee'?
- ☐ Is the option clause completed?
- ☐ 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 lease is a sublease, does the term expire at least one day prior to the expiry of the head lease? **Note** – a sublease cannot be granted if the head lease terminates on “the death of the head lessor”.
- ☐ Is the lease being lodged within the initial term? If not a Form 13 Amendment is required to be lodged.

Item 7 – Lease Details

- ☐ Is a rental amount or consideration stated? Refer to Part [7-4070-1] of the LTPM.
- ☐ Has the lease type been completed? Refer to Part [7-4070-2] of the LTPM.
- ☐ Has the Area/Volume been completed? Refer to Part [7-4070-3] of the LTPM.

Item 8 – Terms and Conditions

- ☐ Are the non-applicable clauses deleted? Refer to Part [7-4080] of the LTPM.
- ☐ If a schedule is referred to, is it attached to the lease form and all the pages numbered correctly?

Item 9 – Previous Leases

- ☐ Does any existing lease on title conflict with this lease? If no, delete the first 3 statements and leave the final statement.
- ☐ If an existing lease on title does conflict with this lease, complete the relevant statement. Refer to Part [7-4090] of the LTPM.

Item 10 – Grant/Execution

- ☐ Is the form originally 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?
- ☐ If executed by a Body Corporate for a community title scheme, has a Form 20 – BCCM Execution been used?

Sketch

Part of a Building

- ☐ Does the sketch comply with the Registrar of Titles Directions for the Preparation of Plans 5.2 and 5.3?
- ☐ If there are multiple buildings on the lot/site, building identifier/s are provided.
- ☐ Does Item 5 on the Form 7 exactly match the lease identifiers, level identifiers and if necessary, the building identifiers on the sketch?
- ☐ Is all information on the sketch plan legible?
- ☐ Is the lease sketch to scale at A4, and is not inserted into a Form 20?

Part of the Land (where applicable)

- ☐ 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?

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 Part [7-2110] of the LTPM for evidence requirements.