***Updated: 19 August 2021***

# **This email template may be sent by a landlord's agent to a tenant in commercial premises when that tenant requests assistance with rent payments. Where [ ] appears, please note the instruction and insert the relevant information**

*[Insert the following in the e-mail subject line: Your Request for Rental Relief]*

**Lease: Lease between [insert name of tenant(s)] and [insert name of landlord(s)] dated [insert date of lease]**

**Premises: [insert address]**

Dear [Sir/Madam]

We refer to your request for rental assistance as a consequence of the current impact of the Covid-19 pandemic.

We will consider your request whilst having regard to the *Retail and Other Commercial Leases (COVID-19) Regulation 2021* (NSW) (**Regulation**) and the *National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles During Covid-19* (both **attached**).

In the meantime, we note the following:

1. The parties must negotiate in good faith and it is our intent to assist in this regard.
2. Each request is dealt with on a case-by-case basis because individual circumstances vary.
3. Any arrangements are intended to be of a temporary nature with the integrity of the lease preserved at all times and to the full extent possible.
4. [A second or subsequent request for rent relief may only be made if the request is made during the prescribed period and the request does not relate to rent or outgoings already agreed to be reduced, waived or deferred.] **[Delete if this is not a second or subsequent request for rent relief. If this is a second or subsequent request for rent relief, consider if the request has been made during the prescribed period]**

To comply with the tight timing requirements in the Regulation, and so that your request can be properly considered and assessed, the Regulation requires that you provide us with a statement and evidence to support your assertion that you are an “impacted lessee”. Please provide the following information by **[insert a date that is a reasonable time after the landlord requests a statement and evidence that the lessee is an “impacted lessee” within the meaning set out in paragraph (b) below and having regard to the requirement for good faith negotiations to commence within 14 days of receiving the impacted lessee’s request to renegotiate (unless the parties agree another period)]**:

1. please provide written confirmation of the details of your request;
2. please provide evidence of and a statement to the effect that you are an “impacted lessee” within the meaning of clause 4 of the Regulation (if your lease is a retail shop lease) or section 2 of Schedule 5 of the *Conveyancing (General) Regulation 2018* (if your lease is a commercial lease);
3. please provide financial statements and other documentary evidence to support your request to demonstrate that you are an "impacted lessee" so that the landlord can make a proper and informed assessment of the impact of the current impact of the Covid-19 pandemic on you, including with regard to your revenue, expenses and profitability;
4. please provide a brief explanation as to your circumstances; and
5. please provide evidence that you currently qualify for one or more of the Government grants and advise whether you are currently receiving payments under one or more of those grants.

This information should be submitted to us together with a completed copy of the **attached** Rental Payment Proposal Form. You may be requested to provide further information depending on the quality of your proposal or future Government/legislative requirements. Upon receipt of these documents, we will seek instructions from the landlord as we do not have the authority to approve requests of this nature without their express authority.

Whilst your request is being considered, we suggest you act in good faith and use best endeavours to comply with the terms of the above lease.

Please note that we are not able to provide any legal or financial advice to you and all parties should seek their own independent advice.

If you wish to discuss this matter further or require additional clarification, please do not hesitate to contact **[insert name of contact person]** on **[insert phone number and/or email address]**.

Yours faithfully

**[Insert Name]**