

2.2.1.2 Lease of multiple occupancy generic and office commercial premises standard version with quarantee

## **Summary**

This lease style is appropriate for a letting of a unit in a commercial development, such as a block of offices, on a multiple occupancy basis to two or more occupational tenants. Provision is made, in the Schedule Part 15, for a guarantee of the obligations of the Tenant under the Lease. The style takes the form of a full repairing and insuring lease and includes rent review provisions where the rent is to be reviewed either in an upwards direction or so as not to be less than the rent as reviewed in any previous review. There are shared common parts, services and facilities made available uniformly for use and enjoyment by the occupational tenants. A service charge is levied to cover the repairing and maintenance costs of common parts and facilities and to meet the costs of providing appropriate services. The aim of the drafting of the style, more generally, is to strike a reasonable balance between the respective interests of Landlord and Tenant in order to expedite the parties' negotiations. As the location, age and type of premises, and their intended use, will vary widely the style will usually need to be modified or adapted in a way that practitioners using the style find appropriate to the transaction in hand.

### **Contents**

- 1. DEFINITIONS AND INTERPRETATION
  - 1.1 Definitions
  - 1.2 Interpretation
- 2. LETTING
  - 2.1 Letting
  - 2.2 Acceptance of Premises
- 3. COMMON RIGHTS
- 4. RESERVED RIGHTS
- 5. TENANT'S OBLIGATIONS RENT AND SERVICE CHARGE
- TENANT'S OBLIGATIONS OTHER MONETARY
- 7. TENANT'S OBLIGATIONS REPAIRING ETC.
- 8. TENANT'S OBLIGATIONS OTHER NON-MONETARY
- 9. LANDLORD'S OBLIGATIONS
- 10. WAIVERS AND DISCLAIMERS ETC.
- 11. GUARANTEE

- 12. NOTICES
- 13. IRRITANCY
- 14. GOVERNING LAW
- 15. ENTIRE AGREEMENT
- 16. REGISTRATION

**SCHEDULE PART 1 – BUILDING** 

**SCHEDULE PART 2 - TITLE** 

**SCHEDULE PART 3 – PREMISES** 

**SCHEDULE PART 4 – COMMON PARTS** 

**SCHEDULE PART 5 – PLANT AND EQUIPMENT** 

### **SCHEDULE PART 6 – COMMON RIGHTS**

- 1. Support
- 2. Passage of services
- 3. Access and egress
- 4. Deliveries
- 5. Alternative facilities
- 6. Access to other parts of the Building
- 7. Television aerial

# **SCHEDULE PART 7 – RESERVED RIGHTS**

- 1. Passage of services
- 2. Use of walls, Conduits and Plant and Equipment
- 3. Entry for inspections, repairs etc.
- 4. Servitudes etc.
- 5. Support etc.
- 6. Temporary suspension of Common Rights
- 7. Variation of Lettable Units
- 8. Scaffolding
- 9. Attachment of fixtures to external walls
- 10. Works required by an authority
- 11. Common Rights and sale of Building
- 12. Control of Common Parts
- 13. Extensions and additions to the Building
- 14. Power to make regulations

#### **SCHEDULE PART 8 – RENT REVIEW**

- 1. Definitions
- 2. Revised Rent
- 3. Agreement on, or determination of, Revised Rent
- 4. Appointment of the Surveyor
- 5. Arbitration or expert determination
- 6. [Submissions] [and hearings]
- 7. Existing Rent unchanged

- 8. Finality of determination
- 9. Failure to determine Open Market Rent
- 10. Continuing payment of Existing Rent
- 11. Payment of arrears of rent
- 12. Cost of Surveyor's determination
- 13. Documenting Revised Rent
- 14. Time not of the essence
- 15. Scottish Arbitration Rules

## **SCHEDULE PART 9 – SERVICE CHARGE**

- 1. Definitions
- 2. Provision of the Services
- 3. Basis of Service Charge
- 4. Modification of Service Percentage
- 5. Payment of Service Charge
- 6. Accountant's estimate
- 7. Certification and provision of information
- 8. Keeping accounts
- 9. Service Provision
- 10. Financial Reserve
- 11. Limitation of liability in provision of Services
- 12. Continuing applicability
- 13. Service Expenditure
  - 13.1 Common Parts
  - 13.2 Charges
  - 13.3 Adjoining Property
  - 13.4 Management Accommodation and management services
  - 13.5 Staff costs etc.
  - 13.6 Refuse collections
  - 13.7 Maintenance of equipment and services
  - 13.8 Traffic control
  - 13.9 Valuations
  - 13.10 Obligations arising under Title
  - 13.11 Professional Costs
  - 13.12 Landscaping and ornamental features etc.
  - 13.13 Signage
  - 13.14 Toilets
  - 13.15 Leasing and financing costs
  - 13.16 VAT
  - 13.17 Statutory requirements etc.
  - 13.18 Car parking
  - 13.19 Public address system
  - 13.20 Public telephones
  - 13.21 Fire fighting equipment etc.
  - 13.22 Other expenditure

## SCHEDULE PART 10 - TENANT'S OBLIGATIONS - OTHER MONETARY

- 1. Interest at Prescribed Rate
- 2. Impositions
- 3. VAT
- 4. SDLT
- 5. Supplies and services
- 6. Conduits and other service media
- 7. Cost of irrecoverable insurance proceeds etc.

- 8. Cost of Landlord's works and compliance with statute etc.
- 9. Cost of effecting plate glass insurance
- 10. Cost of preventing servitudes being acquired
- 11. Payment of Professional Costs etc.
- 12. Cost of repairs etc. at expiry
- 13. Cost of exterior and interior works before expiry

## SCHEDULE PART 11 - TENANT'S OBLIGATIONS - REPAIRING ETC.

- 1. Maintenance and repairs
- 2. Repairing notices etc.
- 3. Frontage
- 4. Exterior decoration
- 5. Interior decoration
- 6. Standard of exterior and interior decoration
- 7. Cleaning Premises and treating surfaces
- 8. Conduits and Plant and Equipment etc.
- 9. Repairs etc. at expiry

# SCHEDULE PART 12 - TENANT'S OBLIGATIONS - OTHER NON-MONETARY

- 1. Restrictions and prohibitions
  - 1.1 Fitting out
  - 1.2 Alterations
  - 1.3 Permitted Use etc.
  - 1.4 Prohibited uses
  - 1.5 No other building
  - 1.6 Obstruction of access
  - 1.7 Drains
  - 1.8 Storage of refuse
  - 1.9 Air pollution
  - 1.10 Dangerous things
  - 1.11 Notices and signs
  - 1.12 Masts and wires
  - 1.13 Unauthorised parking
  - 1.14 Emergency stairways etc.
  - 1.15 Public access to Premises
  - 1.16 Emergency warning systems
  - 1.17 Deliveries
  - 1.18 [Loading and unloading of goods in the Service Area]
  - 1.19 Noise and light abatement
  - 1.20 [Continuous trading]
- 2. Alienation, Landlord's title, sub-tenants etc.
  - 2.1 Alienation
  - 2.2 Title conditions
  - 2.3 Remedying of breaches by sub-tenants etc.
  - 2.4 New guarantor
- 3. Insurance
  - 3.1 Insurance compliance
  - 3.2 Plate glass insurance
  - 3.3 Carrying out of works required by Insurers

- 4. Statutory etc. requirements
  - 4.1 Compliance with statutory requirements
  - 4.2 Statutory Notices, etc.
  - 4.3 Planning Laws
  - 4.4 Fire fighting equipment
  - 4.5 Pollution and clean up
  - 4.6 Empty property
- 5. Third party and other claims
  - 5.1 Notice of potential third party claims
  - 5.2 Windows and new servitudes
  - 5.3 Indemnity and disclaimer
- 6. Heating and ventilation
  - 6.1 Heating, cooling and ventilation
  - 6.2 Temperature
- 7. Notifications to Landlord etc.
  - 7.1 Notices and defects
  - 7.2 Occurrence of Insured Risk
  - 7.3 Application for consent
  - 7.4 Damage to Premises or Building
  - 7.5 Sale and re-letting of Premises

### **SCHEDULE PART 13 – LANDLORD'S OBLIGATIONS**

- 1. Definitions
- 2. Quiet enjoyment
- 3. Insurance
- 4. Application of insurance proceeds
- 5. Keeping the Building open

# SCHEDULE PART 14 - WAIVERS AND DISCLAIMERS ETC.

- 1. Lease to continue in effect
- 2. Permitted Use
- 3. Adjoining Property
- 4. Disputes
- 5. Suspension of Rent and Service Charge
- 6. Demand for Rent
- 7. Limitation of liability
- 8. Failure to perform obligations
- 9. Agency
- 10. Exclusion of rights not conferred
- 11. Compensation on quitting Premises

### **SCHEDULE PART 15 – GUARANTEE**

- 1. Definitions
- 2. Guarantee
- 3. Independent obligation
- 4. Release etc. of Tenant's obligations
- 5. Tenant's Default

- Breach of this Part of the Schedule Assignation Extent of Guarantor's rights Guarantor's waiver 6. 7.
- 8.
- 9.
- Landlord's costs of Replacement Lease Consent to registration 10.
- 11.