**Letter - Tenant to Fund Seeking Relief**

 <<INSERT TENANT NAME>>

 <<INSERT TENANT ADDRESS>>

[TrusteeName]

[FundPostalAddressBlock]

Dear <<INSERT GREETING>>,

**<<INSERT PROPERTY ADDRESS>>**

**RENT RELIEF REQUEST (COVID-19)**

We are the tenant in relation to the abovementioned property (**Property**).

We are writing in relation to our lease (**Lease**) of the Property.

Due to the economic impact of the COVID-19 global pandemic, the Tenant has suffered financial hardship, for example:

* <<LIST ECONOMIC/FINANCIAL CONSEQUENCES ON THE TENANT>>
* <<LIST ECONOMIC/FINANCIAL CONSEQUENCES ON THE TENANT>>
* <<LIST ECONOMIC/FINANCIAL CONSEQUENCES ON THE TENANT>>

The Australian Taxation Office (**ATO**) has publicly stated that:

“Some landlords are giving their tenants rent relief as a rent reduction, waiver or deferral because of the financial effects of COVID-19 and we understand that you may wish to do so as well. Our compliance approach for the 2019-2020 and 2020-2021 financial years is that we will not take action if an SMSF gives a tenant – even one who is also a related party – a temporary rent reduction, waiver or deferral because of the financial effects of COVID-19 during this period.”

[See <https://www.ato.gov.au/misc/downloads/pdf/qc61775.pdf>]

Based on the above, we request the following relief <<INSERT RELIEF SOUGHT>> (**Relief**).

If agreed, the terms and conditions of the Relief will act as an amendment to the terms of the Lease agreement to the relevant extent.

Kind regards,

<<INSERT TENANT>>

**Trustee Resolution Approving Relief**

**[TRUSTEENAME] AS TRUSTEE FOR THE [FUNDNAME]**

**RESOLUTION OF TRUSTEE(S)**

**Background:** The [TrusteeName] as trustee for the [FundName] (**Fund**) legally or beneficially owns the property at <<INSERT ADDRESS>> (**Property**).

The Fund entered into a lease agreement with <<INSERT TENANT NAME>> (**Tenant**)in relation to the Property on or about <<INSERT DATE>> (**Lease Agreement**).

The Tenant is a related party of the Fund for the purposes of the *Superannuation Industry* *(Supervision) Act* 1993.

The Fund has received correspondence from the Tenant highlighting that it has suffered financial hardship due to the COVID-19 global pandemic, including:

* <<LIST ECONOMIC/FINANCIAL CONSEQUENCES ON THE TENANT>>
* <<LIST ECONOMIC/FINANCIAL CONSEQUENCES ON THE TENANT>>
* <<LIST ECONOMIC/FINANCIAL CONSEQUENCES ON THE TENANT>>

The Tenant then requested that the Fund provide relief in the form of <<INSERT RELIEF SOUGHT>> (**Relief**).

The Australian Taxation Office (**ATO**) has publicly stated that:

“Some landlords are giving their tenants rent relief as a rent reduction, waiver or deferral because of the financial effects of COVID-19 and we understand that you may wish to do so as well. Our compliance approach for the 2019-2020 and 2020-2021 financial years is that we will not take action if an SMSF gives a tenant – even one who is also a related party – a temporary rent reduction, waiver or deferral because of the financial effects of COVID-19 during this period.”

Consideration was given to providing the Relief which, if provided, is intended to operate as an amendment to the terms and conditions of the Lease Agreement to the relevant extent.

**RESOLUTION(S): RESOLVED THAT** the Fund provides the Relief outlined above.

**FURTHER RESOLVED** **THAT** the terms and conditions of the Relief outlined above operate to amend the Lease Agreement to the relevant extent.

**Signed** by **[TrusteeName]**:

[TrusteesSignatureBlock]

**Letter - Fund to Tenant Agreeing to Relief**

 [TrusteeName]

[FundPostalAddressBlock]

<<INSERT TENANT NAME>>

<<INSERT TENANT ADDRESS>>

Dear <<INSERT GREETING>>,

**<<INSERT PROPERTY ADDRESS>>**

**RENT RELIEF REQUEST (COVID-19)**

We refer to your previous correspondence seeking rent relief under the lease agreement (**Lease Agreement**) in relation to the abovementioned property (**Property**), specifically <<INSERT RELIEF SOUGHT>> (**Relief**).

Based on the information provided as to your financial circumstances on account of the COVID-19 global pandemic, the Fund agrees to provide the Relief and that the terms and conditions of the Lease Agreement are amended to the relevant extent to accommodate same.

Kind regards,

[FundName]

|  |  |
| --- | --- |
| [TrusteesSignatureBlock] |  |