

Electronic Leases: NSW LRS updates mean easier lodgment

The shift in NSW toward eConveyancing means that NSW residents and businesses can conduct property transactions more efficiently online.

We have worked with the Registrar General and the Law Society to improve customer experience when lodging a Lease electronically.

Leases have been available for electronic lodgment since 2019. From 6 February 2021, NSW LRS will update electronic Leases by:

- Transitioning to a single counterpart document, electronic Leases will only require the Lessor to be represented on the electronic document.
- Additional fields will allow rent details to be displayed on the electronic document.
- Leases affecting a registered interest can now be lodged electronically through the electronic Lease document.

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Frequently Asked Questions for Lodgment

General

1. When a lease is lodged electronically, will LRS provide a registered copy of the Lease to the landlord's solicitor upon registration?

No, since the original copy of the Lease is retained by the Subscriber, NSW LRS will not be returning a registered copy of the document. This is currently the procedure for lodgments made in paper because NSW LRS hold the original copy of the lease with original execution.

2. For preparation of marketing copies, how can a copy of the Lease be prepared when the rent and tenant's details are mandatory fields?

For retail leases, a marketing copy may be prepared by inserting something to the effect of "TBA". However, all fields must be completed with the correct information prior to lodgment with NSW LRS.

3. What resources are available to guide Subscribers to complete an electronic Lease?

NSW LRS, Office of the Registrar General and PEXA have provided the following resources on their platforms to guide with preparing and lodging electronic Leases:

Registrar General's Guidelines: https://rg-guidelines.nswlrs.com.au/e-dealings/elno_guidance_notes/complete_a_lease

PEXA Help Centre: <https://community.pexa.com.au/t5/Help-Centre/Lease-NSW-Help-Centre/ba-p/13758>

eConveyancing Frequently Asked Questions: <https://www.nswlrs.com.au/FAQs>

4. What is required to be inserted in each data field when preparing an electronic Lease?

All information regarding the requirements for each data field is available in the Registrar General's Guidelines: https://rg-guidelines.nswlrs.com.au/e-dealings/pexa_guidance_notes/complete_a_lease

5. Do the updated eLease requirements apply to workspaces opened before 6 February 2021?

No, the updated requirements do not apply to electronic Leases prepared in a workspace before 6 February 2021. NSW LRS will continue to accept electronic Leases prepared before this date.

For more information please refer to the [PEXA Help Centre](#).

6. Can the updated electronic Lease be used to lodge a Lease over an Interest?

Yes, the updated electronic Lease allows the Subscriber to lodge a Lease over an Interest by selecting a registered Lease as the Head Lease. For more information on how to prepare and lodge an electronic Lease affecting an Interest please refer to the Registrar General's

Guidelines: https://rg-guidelines.nswlrs.com.au/e-dealings/elno_guidance_notes/complete_a_lease

A Lease affecting a Lease will be registered as a Sublease on the Register.

Attachments & Page Numbering

7. If the Lease is affecting part of the land, is a plan required to be attached to the electronic Lease?

All information regarding the requirement to attach a plan is available on the Registrar General's Guidelines: https://rg-guidelines.nswlrs.com.au/e-dealings/pexa_guidance_notes/complete_a_lease

If a plan is required to be attached with the electronic Lease and lodged with NSW LRS:

- The plan must be uploaded under the “plan” attachment type. This will ensure the correct fee processing takes place at lodgment for seamless lodgment experience.
- The plan attachment provided to NSW LRS must be signed by all involved parties.

If the plan is upload as part of the “Condition and Provisions” attachment type, future fees may be raised by NSW LRS and the case may incur delays in processing.

8. What is required to be uploaded as part of the ‘Conditions and Provisions’ attachment type?

For NSW LRS lodgment purposes, only the terms and conditions of the lease is required to be uploaded for attachment to the rendering. The lease (07L form) and any pages containing execution etc are not required to be uploaded. However, LRS will accept the lodgment if the additional information is included in the attachment.

9. Is a copy of the registered memorandum required to be uploaded as an attachment?

No, a copy of the registered memorandum is not required to be attached. However, Subscribers have the option to enter a memorandum ID which will be printed and displayed on the rendering.

10. Are attachments required to be initialled?

The terms and conditions uploaded for attachment to the electronic Lease are not required to be initialled however, the original copy retained by the Subscriber and signed by the Lessee must be initialled. For information on executing dealings during the pandemic please visit the [Office of the Registrar General website](#).

11. Are attachments required to be page numbered?

Attachments uploaded for attachment to the electronic Lease are not required to be page numbered. However, NSW LRS recommends this practice as it pre-empts the Subscriber to ensure all the information is included and uploaded in the correct order.

12. Can the Lease Terms and Conditions be uploaded in multiple attachments?

No, one upload is permitted for each attachment type. The complete set of terms and conditions must be uploaded under the “Conditions and Provisions” attachment type in the PEXA workspace.

13. Are the render pages prepared through the PEXA platform numbered?

Render pages are not page numbered however, the first page of the rendering will be considered as the first page of the electronic Lease.

14. Would a printed version of the electronic Lease (rendering) be accepted at the LRS Lodgment Office?

No, all Leases presented for lodgment at the NSW LRS lodgment Office must be prepared on the paper 07L form and all preparation requirements for paper Leases will apply.

15. Will NSW LRS accept an attachment which includes the entirety of the Lease (07L form)?

The 07L form is not required to be included in the attachment as the examination will be based upon the electronic lease (render pages) however, NSW LRS will not reject the document if it is. It is advised that the 07L form is not attached to avoid confusion and duplicity in information when customers obtain registered copies of the Lease.

Execution

16. Does a version of the Lease need to be signed by the tenant to be able to make the certification?

Yes, the Subscriber must hold a version of the Lease which is signed by the tenant/Lessee in accordance with the current execution requirements. Please refer to the [Registrar General's Guidelines](#) for more information on execution of dealing forms. For information on executing dealings during the pandemic please visit the [Office of the Registrar General website](#).

It is not necessary to upload and attach the version with the tenants' signature however, it is mandatory to retain the necessary documentation for 7 years for audit purposes. Please refer to the [MOR Guidance Notes](#) for further information on compliance requirements.

17. What format does the execution by the tenant need to be in?

Please refer to the [Registrar General's Guidelines](#) for more information on execution of dealing forms. For information on executing dealings during the pandemic please visit the [Office of the Registrar General website](#).