

PRESENTERS



Bob Hollyman QC, Shortland Chambers, Auckland

Bob practises as a barrister, primarily in commercial litigation. He was admitted in 1995, and has been a member of Shortland Chambers since 2006. Bob has represented and advised parties involved in all sorts of lease and property disputes.



Antony Holmes, Richmond Chambers, Auckland

Antony has been a commercial litigator since 2002, and has acted in a wide range of commercial disputes and contentious regulatory matters. After working as a solicitor at firms in Auckland and London, he returned to New Zealand in 2012 to join the bar. Antony has acted for both landlords and tenants, as well as parties involved in other commercial and property disputes.

The statements and conclusions contained in this presentation are those of the author(s) only and not those of the New Zealand Law Society. This presentation has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

CONTENTS

COMMERCIAL LEASES – COVID-19 DISPUTES	1
1. INTRODUCTION	1
2. COMMERCIAL REALITY IN A PANDEMIC	1
3. COVID-19 – LEGAL BASIS OF THE LOCKDOWN	2
4. FRUSTRATION AND FORCE MAJEURE.....	3
5. PAYING THE RENT – NO ACCESS PROVISIONS	5
6. BOMA/PROPERTY COUNCIL LEASE.....	7
7. WHAT IS A FAIR PROPORTION OF THE RENT AND OUTGOINGS?.....	7
8. WHAT TO DO ABOUT DEFAULT	8
APPENDIX A – RELEVANT COVID-19 NOTICES AND INSTRUMENTS	11
APPENDIX B – RELEVANT PROVISIONS FROM ADLS SIXTH EDITION (2012) DEED OF LEASE.....	27
POWERPOINTS.....	29