



A MESSAGE FROM THE MANAGING DIRECTOR

Who is Responsible for Fire Safety in a Commercial Lease?

Landlord or Tenant? This contentious question often pops up and since our fire safety business started in 2009 I still regularly get asked my opinion so below I have attempted to provide an answer

I think most people understand that fire in a commercial property can be devastating, particularly if you do not have insurance or have not kept fire safety equipment up to date. But, who is responsible for fire safety under the lease, Tenant or landlord? It is a difficult subject as there is confusing legislation and many issues regarding fire safety and compliance responsibility in commercial premises.

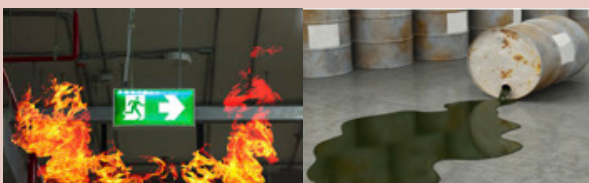
To start with, may I suggest before signing a lease, that all parties check that fire safety equipment is installed and regularly, professionally serviced. This will mean at least a review of all the fire equipment and fire exits including exit doors' safety locks and *Essential Safety Measure* compliance certificates. If necessary, consult a fire safety expert to review strata records to confirm the landlord's obligations and clearly the terms in the lease will then help to avoid future disputes.



HAZARD CONTROL MUST BE A PRIORITY!

If you cause or witness a fire or hazardous chemical spill, always keep your own personal safety and the safety of others as your highest priority. If time allows and you can do so safely, quickly evaluate and report the fire danger, its location and the risk of it spreading. And likewise, the nature of any chemical spill including material type, quantity and specific location of the spill should be quickly reported.

If you suspect or witness a potentially dangerous fire or hazardous spill always ring Triple Zero 000.



So Who is Responsible for Installing and Maintaining Fire Equipment?

Again, the lease should specify who is responsible for installing fire safety equipment and any maintenance obligations. While a good lease should explain the Tenant and Landlord responsibilities along with other legal principles that could also underpin a lease. Legally, the landlord has an obligation to ensure that the tenant can safely use the property for the use as specified in the lease.

Subject to the contents of the lease, the tenant usually has a duty as the tenant to maintain fire equipment and comply with any maintenance obligations. Furthermore, the Landlord must comply with fire safety regulations for the business, and it will require both parties to adhere to the building's fire safety policy.

Always remember to check the lease before signing. You need to pay careful attention to whether there is fire equipment installed on the premises and that this should include fire extinguishers, sprinkler systems, fire blankets, fire alarms and other essential equipment being easily reached and maintained.

So to answer the original question all the pointers certainly indicates that it's the original Lease that will have the final say on whether or not it's the responsibility of the Landlord or the Tenant, or both.

I trust you enjoy this summer edition of Landlord News and take this opportunity to wish you and yours a happy and safe Christmas holiday.

David Hassett MD AESI

DID YOU KNOW?

Annual ESM Building Safety Reports are mandatory!

It is the commercial building owners obligation to ensure an Essential Safety Measures Report must be prepared annually to comply with Building Regulation 2006. This task can be delegated to a third party. AESI can provide a AESMR on behalf of the building owner.





OH NO! VICTORIAN BUILDERS PUT ON HIGH ALERT!

Dangerous flammable cladding found on 1,400 Victorian buildings

Builders in Victoria have been put on notice that they must not use dangerous flammable cladding on the outside of medium and high-rise buildings, after the Victorian Government ordered the construction watchdog to issue product safety alert.

A report from the Victorian Cladding Taskforce said dangerous, combustible cladding could be a risk on 1,400 Victorian buildings, with the potentially deadly materials already identified on eight hospitals.

Further detailed audits are required on 12 more hospitals but they have been deemed safe to operate while work is carried out to rectify the problem.

WHAT IS WORKPLACE EMERGENCY ESCAPE PLANNING?

Emergency evacuation is the urgent immediate egress or escape of people away from an area that contains an imminent threat, an ongoing threat or a hazard to lives or property.

Emergency escape examples range from the small-scale evacuation of a building due to a storm or fire to the large-scale evacuation of a city because of a fire or flood, or approaching weather system. In situations involving hazardous materials or possible contamination.

ALL UNDER ONE ROOF — OUR ADVISORY AND MAINTENANCE SERVICES WILL HAVE YOU COVERED

- Current Building Legislation and Building Safety Reports
- Essential Safety Measures inspections
- Evacuation Plans and Training
- Occupational Health & Safety Reports and Audits
- Asbestos Property Reports and Audits
- Fire Safety Repairs and Maintenance



LANDLORD HOLIDAY SAFETY CHECK

1. Fire Extinguishers are the workplace friend

- Do you have enough fire extinguishers located throughout your building and placed near obvious fire zones?
- Have they been inspected and refilled or replaced according to their inspection tags and expiration dates?
- Do you have the correct type of fire extinguisher for your location?
- Are instructions for use clearly visible?
- The different types of fire extinguishers are: ABE and BE Dry Chemical, Co², Wet Chemical, Foam and Water fire extinguishers.

2. Only Working Alarms save Lives

Landlords and tenants should be aware that every commercial property should have working smoke alarms. They provide an early fire alert and allow people to escape safely. They will give you some peace of mind over the Christmas period and may also protect the building's high replacement costs and keep insurance premiums at a minimum.



AUSTRALIAN ESSENTIAL SAFETY INSPECTIONS

For an immediate inspection and free advice contact AESI.

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