



Australian Government

Department of Education, Employment and Workplace Relations

CPPDSM4023A Act as a tenant's agent

Release: 1

CPPDSM4023A Act as a tenant's agent

Modification History

Not Applicable

Unit Descriptor

Unit descriptor

This unit of competency specifies the outcomes required to act as a commercial tenant's agent and represent commercial tenants in the lease of properties. It includes establishing commercial tenant's requirements, confirming commercial tenant's engagement of the agency, sourcing properties that meet commercial tenant's requirements, negotiating the lease of property on behalf of the commercial tenant, monitoring finalisation of the lease and maintaining communication with the commercial tenant and owner or lessor.

The unit may form part of the licensing requirements for persons engaged in real estate activities in those States and Territories where these are regulated activities.

Application of the Unit

Application of the unit

This unit of competency supports the work of licensed real estate agents and real estate representatives who act as commercial tenant's agents and represent commercial tenants in the lease of properties.

Licensing/Regulatory Information

Refer to Unit Descriptor

Pre-Requisites

Prerequisite units Nil

Employability Skills Information

Employability skills The required outcomes described in this unit of competency contain applicable facets of employability skills. The Employability Skills Summary of the qualification in which this unit of competency is packaged, will assist in identifying employability skills requirements.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the required skills and knowledge and/or the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 Establish commercial tenant's requirements.	<p>1.1 <i>Enquiries from prospective commercial tenants</i> are handled promptly to enable high quality service delivery according to agency requirements.</p> <p>1.2 <i>Appropriate rapport</i> is established with prospective commercial tenant.</p> <p>1.3 <i>Commercial tenant requirements</i> are clarified and accurately assessed using <i>appropriate interpersonal communication techniques</i> and data collection techniques.</p>
2 Confirm engagement of agency by commercial tenant.	<p>2.1 <i>Agency services</i> and <i>fee structure</i> are discussed with commercial tenant in line with agency practice.</p> <p>2.2 Commercial tenant's engagement of agency, including agreed services and fees, is confirmed in writing in line with agency practice.</p>
3 Source properties that meet commercial tenant's requirements.	<p>3.1 <i>Information on properties that meet commercial tenant's requirements</i> is gathered and organised in a format suitable for analysis and interpretation in line with agency practice.</p> <p>3.2 <i>Reliable methods</i> are used to collect information on properties in line with agency practice.</p> <p>3.3 <i>Relevant people</i> are consulted to gather additional data using appropriate communication techniques.</p> <p>3.4 Information is analysed using reliable and valid methods in line with agency practice.</p> <p>3.5 Assumptions and conclusions are supported by <i>verifiable evidence</i> in line with agency practice.</p> <p>3.6 Situations requiring <i>specialist advice</i> are identified and assistance is sought as required in line with agency practice.</p> <p>3.7 <i>Report</i> on properties that meet commercial tenant's requirements is prepared and discussed with client in line with agency practice.</p>
4 Negotiate lease of property on behalf of commercial tenant.	<p>4.1 <i>Commercial tenant instructions on lease of property</i> are actioned in line with legislative requirements and agency practice.</p> <p>4.2 Leasing process is managed in a professional manner in line with commercial tenant's instructions, agency practice, ethical standards and legislative requirements.</p> <p>4.3 Negotiations are conducted on behalf of commercial tenant in line with commercial tenant's instructions,</p>

ELEMENT	PERFORMANCE CRITERIA
	legislative requirements, ethical standards and agency practice.
	4.4 Negotiations are conducted in a professional manner, including showing respect for lessor, owner and commercial tenant in line with agency practice, ethical standards and legislative requirements.
	4.5 <i>Effective negotiation techniques</i> are used to persuade and reach agreement with lessor or owner.
	4.6 <i>Effective techniques are used for dealing with conflict and breaking deadlocks</i> where required.
	4.7 <i>Effective techniques are used for closing leasing negotiations</i> .
	4.8 Mutually agreed rent and <i>terms and conditions of lease</i> are established and confirmed with owner or lessor and are referred to commercial tenant.
	4.9 Statutory leasing documentation is checked for accuracy prior to signing by commercial tenant in line with agency practice.
5 Monitor finalisation of lease.	5.1 Finalisation of leasing process is monitored to ensure compliance with contract details and legislative requirements.
	5.2 Payments to be made by commercial tenant as part of the finalisation of the leasing process are checked for compliance with contract details and legislative requirements.
6 Maintain communication with commercial tenant and owner or lessor.	6.1 Commercial tenant confidence in agency activities is maintained through ongoing contact and correspondence.
	6.2 Opportunities to promote <i>agency services</i> to commercial tenant and owner or lessor are implemented in line with agency practice.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the essential skills and knowledge and their level, required for this unit.

Required skills:

- ability to communicate with and relate to a range of people from diverse social,

REQUIRED SKILLS AND KNOWLEDGE

- economic and cultural backgrounds and with varying physical and mental abilities
- analytical skills to interpret documents such as legislation, regulations, authorities, reports from professional service providers and contracts
 - application of risk management strategies associated with advising commercial tenants on selection of properties
 - computing skills to access agency databases, send and receive emails and complete standard forms online
 - decision making and problem solving skills to analyse situations and make decisions consistent with legislative and ethical requirements
 - literacy skills to access and interpret a variety of texts, including legislation, regulations and rules of ethics; prepare general information, papers, formal and informal letters, reports and applications; and complete standard forms
 - negotiation skills to reach agreement with owners and lessors, or real estate agents acting on behalf of owners or lessors, on the price and conditions of lease
 - numeracy skills to calculate and interpret data, such as agency fees for the provision of services to commercial tenants
 - planning, organising and scheduling skills to undertake work-related tasks, such as inspecting properties
 - research skills to identify and locate documents and information relating to property leases.

Required knowledge and understanding:

- consumer protection and retail leases, including:
 - consumer protection principles relevant to retail leases
 - effect of consumer protection legislation on contracts
 - penalties and remedies available for breaches of consumer protection legislation
 - rights and obligations of estate agents under consumer protection legislation in relation to retail leases
- contracts
- ethical practices associated with leasing of commercial, retail and industrial property
- land use planning and zoning
- negotiation skills and techniques
- property inspection, including:
 - agency documentation
 - benefits
 - conducting and following up property inspections
 - key control
 - planning property inspections
 - promotional materials

REQUIRED SKILLS AND KNOWLEDGE

- security of properties
- rent, including:
 - calculation
 - rent increase
- retail, commercial and industrial leases, including:
 - condition report and disclosure statements
 - dispute resolution processes
 - format of agreements
 - key features of retail, commercial and industrial leases
 - legal obligations of agent, lessor and lessee
 - rents, security deposits and bond moneys
 - statutory and agency documentation
 - terms and conditions
 - types of leases, including retail and commercial
 - trust accounts
- relevant federal, and state or territory legislation and local government regulations relating to:
 - anti-discrimination and equal employment opportunity
 - consumer protection
 - employment
 - environmental issues
 - financial probity
 - franchises and business structure
 - industrial relations
 - land use and zoning
 - OHS
 - privacy
 - property sales and management
 - trade practices
- risks and risk management strategies
- tenancy agent's roles and responsibilities, including:
 - act in client's best interests
 - client authority
 - confidentiality
 - conflict of interest
 - fair trading
 - fiduciary obligations
 - inducements

REQUIRED SKILLS AND KNOWLEDGE

- knowledge of legislation
- licensing
- obtain best possible purchase price
- privacy
- referral of commercial tenant to service providers
- rights and duties.

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, the range statement and the Assessment Guidelines for this Training Package.

Overview of assessment

This unit of competency could be assessed through practical demonstration of acting as a commercial tenant's agent and representing commercial tenants in arranging the leasing of properties. Targeted written (including alternative formats where necessary) or verbal questioning to assess the candidate's underpinning knowledge would provide additional supporting evidence of competence. The demonstration and questioning would include collecting evidence of the candidate's knowledge and application of ethical standards and relevant federal, and state or territory legislation and regulations. This assessment may be carried out in a simulated or workplace environment.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

A person who demonstrates competency in this unit must be able to provide evidence of:

- confirming commercial tenants' engagement of the agency in line with agency practice, ethical standards and legislative requirements
- establishing commercial tenant leasing requirements in line with agency practice, ethical standards and legislative requirements
- knowledge of agency practice, ethical standards and legislative requirements affecting the leasing of commercial, industrial and retail properties
- maintaining communication with the commercial tenant and owners or lessors
- monitoring settlement of the lease in line with agency practice, ethical standards and legislative requirements

- negotiating the lease of property on behalf of commercial tenant in line with agency practice, ethical standards and legislative requirements
- sourcing properties that meet commercial tenants' requirements in line with agency practice, ethical standards and legislative requirements.

Context of and specific resources for assessment

Resource implications for assessment include:

- access to suitable simulated or real opportunities and resources to demonstrate competence
- assessment instruments that may include personal planner and assessment record book
- access to a registered provider of assessment services.

Where applicable, physical resources should include equipment modified for people with disabilities.

Access must be provided to appropriate learning and/or assessment support when required.

Assessment processes and techniques must be culturally appropriate, and appropriate to the language and literacy capacity of the candidate and the work being performed.

Validity and sufficiency of evidence require that:

- competency will need to be demonstrated over a period of time reflecting the scope of the role and the practical requirements of the workplace
- where the assessment is part of a structured learning experience the evidence collected must relate to a number of performances assessed at different points in time and separated by further learning and practice with a decision of competence only taken at the point when the assessor has complete confidence in the person's competence
- all assessment that is part of a structured learning experience must include a combination of direct, indirect and supplementary evidence
- where assessment is for the purpose of recognition (RCC/RPL), the evidence provided will need to be current and show that it represents competency demonstrated over a period of time
- assessment can be through simulated project-based activity and must include evidence relating to each of the elements in this unit.

In all cases where practical assessment is used it will be combined with targeted questioning to assess the underpinning knowledge. Questioning will be undertaken in

such a manner as is appropriate to the language and literacy levels of the candidate and any cultural issues that may affect responses to the questions, and will reflect the requirements of the competency and the work being performed.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the performance criteria is detailed below. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

- Enquiries from prospective commercial tenants*** may be received through:
- email
 - inspections
 - office
 - open houses
 - referral
 - telephone
 - website.
- Appropriate rapport*** relates to use of techniques that:
- establish and build confidence and trust in the agency and its representatives
 - make the commercial tenant feel valued
 - promote and maintain an effective relationship with the commercial tenant.
- Commercial tenant requirements*** may include:
- access to transport and facilities
 - buildings
 - car parking
 - facilities
 - finance
 - fit-out
 - lettable areas
 - location
 - partitions
 - price
 - properties
 - renewal of lease
 - shared facilities
 - space
 - size of property
 - style of property.
- Appropriate interpersonal communication techniques*** may include:
- active listening
 - providing an opportunity for commercial tenants, owners or lessors to clarify their understanding of the lease process

Agency services may include:

- soft questioning and seeking feedback from owners, lessors or commercial tenants to confirm own understanding of their needs and expectations
- summarising and paraphrasing to check understanding of owner, lessor or commercial tenant's message
- using appropriate body language.
- identify client requirements
- monitor lease arrangements
- finalise statutory documentation
- negotiate lease
- search and select property.

Fee structure may include:

- engagement fee
- standard fee for particular services
- variable fee, such as percentage of lease price.

Information on properties that meet commercial tenant's requirements may be obtained from:

- advertisements
- business brokers
- licensed real estate agents
- property developers
- private listings
- professional and business networks
- property websites
- stock and station agents.

Reliable methods may include:

- checklists
- cost data analysis
- expert and peer review
- interviews
- observation
- property inspection
- questionnaires
- reports
- review of quality assurance data
- search of local government records.

Relevant people may include:

- architects
- building consultants
- clients
- colleagues
- consumers
- government officials
- industry professionals and members of industry associations
- legal representatives
- licensed real estate agents

- Verifiable evidence** may include:
- planners
 - professional service providers
 - property developers
 - supervisors
 - tradespeople.
 - guarantees for work performed
 - inspection checklists, records and notes
 - plans and specifications
 - property reports
 - qualitative and quantitative data
 - lease figures
 - visual assessment of the physical and aesthetic aspects of the property.
- Specialist advice** may include:
- architects
 - bankers and financiers
 - builders
 - government officials
 - industry professionals and members of industry associations
 - investment consultants
 - licensed real estate agents
 - planners
 - solicitors
 - subcontractors
 - supervisors and colleagues
 - technical experts
 - valuers.
- Reports** may be:
- verbal
 - written.
- Commercial tenant instructions on lease of property** may include:
- deposits
 - fixtures and fittings
 - price range
 - property characteristics
 - security deposits and bonds
 - special conditions
 - statutory documentation
 - term of lease.
- Effective negotiation techniques** may include:
- analytical skills
 - listening techniques
 - non-verbal communication skills
 - personal attributes
 - presentation techniques

Effective techniques for dealing with conflict and breaking deadlocks may include:

- questioning techniques
- speaking skills.
- calling in a third party
- clarifying the positions of both parties
- deferring the decision
- preparing a compromise
- restating the position
- summarising the progress to date.

Effective techniques for closing lease negotiations may include:

- alternate option close
- assumption close
- competition close
- customer close
- deal or concession close
- direct close
- indirect close
- summary-of-benefits close
- time-driven close.

Terms and conditions of lease may include:

- default provisions
- dispute resolution process
- duration
- equipment and services
- general rules that apply to all lessees in property
- goodwill
- gross and nett lease
- GST
- insurance
- options for extending period of lease
- outgoings
- permitted uses and access, including:
 - car parking
 - competitors
 - expansion or sale of business
 - hours of operation
 - licences
 - rights to use common areas
 - zoning
- personal guarantees
- power of attorney
- rent, including:
 - method of calculation
 - rent increases

Agency services may include:

- renewal, including:
 - option to renew
 - renewal period
 - rent
- repairs and maintenance
- security
- security bond or deposit
- tenancy mix
- termination.
- property development
- property leases
- property management.

Unit Sector(s)

Unit sector Property development, sales and management

Competency field

Competency field Real estate