

## RESPONSE 48

29 July 2016

11:53

Subject	<b>PUBS CODE - DELIVERING NO WORSE OFF</b>
From	[REDACTED]
To	Pubs Consultation Responses
Sent	18 January 2016 22:26

Hi

My name is [REDACTED] My family and I have been in my pub for [REDACTED]. I did apply to buy the pub on many occasions from [REDACTED] but was turned down.

[REDACTED] I am due for Rent Review [REDACTED] and I informed [REDACTED] at my rent review in [REDACTED] that I wanted to opt for MRO option in [REDACTED]. I want to ask BISC what they have in place to safeguard the pubs sold, in my opinion, to circumvent legislation.

I believe this abuse of the tie will still carry on and more pubs will be sold before the implementation of the Code at the end of May. If this is not covered in this code, then you still have the same problem after this implementation. This I believe is one of the unintended consequences, but does not have to be if Government include the pubs sold within the last 12 months to circumvent legislation. This should I believe have been in the Statutory Code.

7.1 Provisions on entitlement to a Market Rent Only (MRO) option were included by Parliament during the passage of the Small Business, Enterprise and Employment (SBEE) Act 2015

as a way of delivering the principle that a tied tenant should be no worse off than a free-of-tie tenant.

I believe if the BISC do not step in and include the pubs sold pre-legislation then they cannot deliver the commitment on "No Worse Off" clause. [REDACTED]

I refer to the Consultation paper and the questions to be answered. These questions are far off the mark for some tied tenants to answer. In my opinion, these questions have been picked to deter some tenant from answering them. Some of these questions require a discussion, not just a quick answer. Having spoken to some tenants they would not know where to start. In fact they were quite stressed out about this. This does not need to be this complicated. Once again we are baffled with questions. We all need to be lawyers to understand the complicated wording, this is not fair or transparent.

Kind regards

[REDACTED]