



Eagul Faigen

Partner

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Eagul Faigen focuses on property law. He has extensive experience advising on large-scale capital transactions, real estate developments and complex high end leasing transactions for public and private sector clients including REITs, major banks, corporates, retailers and developers.

Eagul's experience spans a diverse range of asset classes and sectors, from commercial, retail and industrial to agricultural and primary production, airport, tourism, liquor licensing and tertiary education. He regularly advises on the negotiation and preparation of a wide range of commercial property documentation, including heads of agreements, option agreements, contracts of sale, development agreements, off the plan contracts of sale, joint ventures and commercial, retail and industrial leases.

Having worked in other practice areas throughout his career, including mergers and acquisitions, managed investment schemes, corporate compliance, banking and finance and insolvency, Eagul has gained a strong understanding of the broader issues as they relate to property transactions. This ensures he provides his clients with solution-oriented, commercially focused advice that looks beyond the legal issues.

• Real Estate

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- Acting for one of Western Australia's largest property developers, in relation to the establishment of joint venture arrangements for the acquisition and development of land, specifically high rise residential and mixed use developments, as well as general advisory work and the preparation of strata pre-sale contracts, to date, totalling in excess of AU\$1billion in developed value
- Acting for one of Western Australia's largest property developers on the sale of the Gateway Building in Victoria Park in Perth for AU\$72.8 million
- Acting for a global fast food chain in relation to their Western Australian real estate portfolio, including the acquisition of ground lease sites and freehold sites
- Acting for the Receivers and Managers on legacy real estate issues concerning existing leasing pre-commitments, completion of leasing arrangements, and related real estate advice in relation to the "Raine Square" development in Perth, valued at AU\$450 million
- Acting for an investment bank on their joint venture acquisition, development, leasing and subsequent on market sale of "Optima

Centre" in Osborne Park, Perth for AU\$120 million

- Acting for a Singaporean private equity group on the due diligence, FIRB approvals and subsequent acquisitions of the Phoenix Park Shopping Centre, Spearwood and Altone Park Shopping Centre
- Acting for an A-REIT on the due diligence and acquisitions of 109 St Georges Terrace, Perth and 123 Kewdale Road in Kewdale for AU\$65 million and AU\$31 million respectively
- Acting for an ASX listed property group in relation to the acquisition of holiday parks and resorts around Australia, including Monkey Mia Dolphin Resort in Western Australia
- Acting for an American multinational conglomerate corporation on its consolidation project for new Western Australian headquarters at Jandakot Airport including its complex leasing commitments to the Jandakot Airport Operator and ancillary option arrangements for approximately 37,000m of land

CREDENTIALS

Professional Qualifications

- Barrister and Solicitor of the Supreme Court of Western Australia, 1999

Prior Experience

Prior to joining DLA Piper in 2015, Eagul was a Partner at another global law firm.

Recognitions

Eagul is currently ranked as one of Perth's leading Real Estate lawyers by the Australian Financial Review's *Best Lawyers*.

Memberships

- Property Council of Australia
- Law Society of Western Australia

INSIGHTS

Publications

The New Strata Titles Regime in WA

25 June 2020

Wholesale changes have recently been implemented to the Strata Titles Act 1985 (WA) (Act) and developers are starting to come to terms with the amended legislation and the impact it will have on how new developments are undertaken and managed.

In the first of a series of three articles, we focus on the transition period, the establishment of new strata schemes and our tips for getting it right when developers are preparing and entering into pre-sale contracts in the context of freehold strata schemes.

COVID-19 Commercial tenancy relief laws in Australia - Quick reference guide

15 June 2020

In response to the economic impact of the COVID-19 pandemic, the National Cabinet announced on 7 April 2020 the Mandatory Code of Conduct – SME Commercial Leasing Principals During COVID-19 (Code). The Code provides a set of principles to be applied during negotiations between relevant landlords and tenants to allow the parties to reach tailored, bespoke and appropriate temporary arrangements that will apply during the pandemic period as well as an appropriate recovery period.

Each State and Territory of Australia has, or will, give effect to the Code through legislation. This means that the rights and obligations of commercial tenants and landlords differs around the country.

Western Australia leasing code

1 June 2020

The *Commercial Tenancies (COVID-19 Response) Act 2020* (WA) came into effect on 23 April 2020 and contemplated the creation of a code of conduct to be adopted through regulations.

On 30 May 2020, the *Commercial Tenancies (COVID-19 Response) Regulations 2020* (WA) will come into effect and adopt the code of conduct (**Code**).

The Code adopts many of the principles set out in the National Cabinet Mandatory Code of Conduct, and a high level summary of the application, overarching obligations and principles of the Code follows.

Australian Government Real Estate Measures for Commercial Tenancies

8 April 2020

The National Cabinet announced details of the mandatory Code of Conduct to apply to commercial tenancies (**Code**) on 7 April 2020. The Code will be given effect through relevant state and territory legislation. We expect this legislation to issue shortly and provide an update in due course. As noted in our article, there is sufficient flexibility in the Code for tenants and landlords to closely examine their current leasing arrangements which are impacted, and to now consider putting together an agreeable workout position with regard to the leasing principles.

Australian Government Real Estate Measures for Commercial Tenancies (as at 2 April 2020)

3 April 2020

The Australian Federal and State Governments have been actively examining the commercial and residential leasing markets in light of the effect that COVID-19 is having on landlords and tenants. The developments in these areas, and the Government responses are fast moving and will change, but the current approach is outlined.
