

**Rental Waiver Framework 2021**  
**Registrar’s Directives on the Documents and Information to be Enclosed in**  
**an Application for a Determination by a Rental Waiver Assessor**  
**Revised on 1 April 2022**

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**Introduction**

These directives are issued pursuant to Regulation 33 of the COVID-19 (Temporary Measures) (Rental Waiver Due To COVID-19 Event In 2021) Regulations 2021 (“the Regulations”), to set out the documents and information to be enclosed by:

- (a) **An applicant tenant** in an application to the Registrar for a determination by a rental waiver assessor as to whether
- (i) it is just and equitable in the circumstances of the case for a notice of rental waiver (“NRW”) to be issued to the prescribed tenant-occupier (“PTO”) applicant even though the lease agreement was not stamped on or before 2 August 2021<sup>1</sup> and/or
  - (ii) the actual amount of the rent under the lease agreement between the landlord and the tenant and/or
  - (iii) the actual amount of any component of the formula (as set out in the Third Schedule of the Regulations) used to compute the prescribed amount of rent that is waived for the tenant.
- (b) **An applicant landlord** in an application to the Registrar for a determination by a rental waiver assessor as to whether
- (i) the PTO in the PTO chain satisfies the prescribed criteria for the rental waiver and/or
  - (ii) its tenant (whether a PTO or not) served the Notice of Rental Waiver and supporting documents in accordance with the requirements under the COVID-19 (Temporary Measures) Act (“**the Act**”) and if not, whether this non-compliance was material and/or
  - (iii) the landlord, being the property owner, satisfies the prescribed criteria for reversal of the rental waiver on the grounds of financial hardship and/or
  - (iv) it is just and equitable in the circumstances of the case for the rental waiver to be reversed or reduced, and (if it is to be reduced) the amount of the reduction and/or

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<sup>1</sup> Under the Stamp Duties Act, stamp duty is payable for all lease agreements, including renewals and extensions. These agreements need to be stamped within 14 days after the signing of the agreement if the agreement is signed in Singapore. An application under this section and a subsequent determination by a rental waiver assessor under this section does not preclude IRAS from exercising its powers under the Stamp Duties Act, including but not limited to, enforcing any penalties under the said Act for failing to stamp your lease within the specified time.

- (v) the actual amount of the rent under the lease agreement between the landlord and the tenant and/or
- (vi) the actual amount of any component of the formula (as set out in the Third Schedule of the Regulations] used to compute the prescribed amount of rent that is waived for the tenant.

**Application for Issuance of Notice of Rental Waiver for Unstamped / Late Stamped Leases by a tenant-occupier**

2. Where the application is for a determination as to whether the tenant-occupier may be issued a NRW even though the lease agreement was not stamped on or before 2 August 2021, the following documents and information must be enclosed:

- (a) The address of the subject property;
- (b) The name of the tenant-occupier;
- (c) The email address and/or telephone number of the tenant-occupier;
- (d) A description of the tenant-occupier's business;
- (e) A copy of the lease agreement in respect of the subject property;
- (f) The date of the lease agreement in respect of the subject property;
- (g) The commencement date of the tenant-occupier's business;

(h) The documents as set out in the following table:

		<b>Relevant documents</b>
(i)	Where the tenant-occupier has carried on business for 12 months or longer as at the last day of its financial year ending in 2019	Financial statements for that financial year
(ii)	Where (i) does not apply, but the tenant-occupier has carried on business for 12 months or longer as at the last day of its financial year ending in 2020	Financial statements for that financial year
(iii)	Where (i) and (ii) do not apply, but the tenant-occupier has carried on business for 12 months or longer as at the last day of its financial year ending on a date in 2021, provided it is on or before 15 May 2021	Financial statements for that financial year
(iv)	Where (i), (ii) and (iii) do not apply, but the tenant-occupier has carried on business before 15 May 2021	The following documents for the period from the date of commencement of the tenant-occupier's business to 15 May 2021: <ul style="list-style-type: none"> <li>• Unaudited balance-sheet</li> <li>• Profit and loss statement</li> <li>• Cash flow statement</li> </ul>

(i) If you are unable to provide any of the financial statements / documents above, please provide a statutory declaration<sup>2</sup> attesting that revenue / annualised revenue for the specific financial year applicable to your business is not more than \$100 million.

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<sup>2</sup> A statutory declaration must be made before a Commissioner for Oaths, Notary Public or a Justice of the Peace.

- (j) Profit and loss statements of the tenant-occupier, for the relevant periods as set out in the following table:

<b>Commencement date of the tenant-occupier's business at subject property</b>	<b>Relevant periods</b>
On or before 28 December 2020	<ul style="list-style-type: none"> <li>• 28 December 2020 to 7 May 2021 (both dates inclusive);</li> <li>• 16 May 2021 to 13 June 2021 (both dates inclusive) and</li> <li>• 22 July 2021 to 18 August 2021. (both dates inclusive)</li> </ul>
After 28 December 2020 but before 15 May 2021	<ul style="list-style-type: none"> <li>• From commencement date to 15 May 2021 (both dates inclusive);</li> <li>• 16 May 2021 to 13 June 2021 (both dates inclusive) and</li> <li>• 22 July 2021 to 18 August 2021 (both dates inclusive).</li> </ul>

- (k) If you are unable to provide any of the profit and loss statements above, please provide a statutory declaration attesting that the tenant-occupier meets all the eligibility criteria to qualify for the rental waiver.

- (l) If applicable, where 50% or more of the total voting shares or voting power in the tenant-occupier (being an entity other than a specified person) is held (whether directly or indirectly) by an entity that is incorporated or established in Singapore, and the tenant-occupier is a member of a Singapore group of entities<sup>3</sup> in the period 5 August 2021 to 18 August 2021 — the documents as set out in the following table:

(i)	Where more than one member of the Singapore group of entities have carried on business for 12 months or longer as at the last day of the group's financial year ending on a date in 2019	The financial statements of those members for that financial year
(ii)	Where (i) does not apply but more than one member of the Singapore group of entities have carried on business for 12 months or longer as at the last day of the group's financial year ending on a date in 2020	The financial statements of those members for that financial year
(iii)	Where (i) and (ii) do not apply but more than one member of the Singapore group of entities have carried on any business for 12 months or longer as at the last day of the group's financial year ending on a date in 2021 that it is on or before 15 May 2021	The financial statements of those members for that financial year

<sup>3</sup> "Singapore group of entities" means a group of entities that are incorporated or established in Singapore and related to each other through ownership or control in such a way that the group is either (a) required to prepare consolidated financial statements for financial reporting purposes under FRS 110 or an equivalent accounting standard, or (b) would have been so required if equity interests in any of the entities were traded on any stock exchange in Singapore.

(iv)	In any other case — the aggregate revenue of the Singapore group of entities from businesses carried on in Singapore, calculated using the formula $12 \times A$ , is not more than \$100 million, where A is the aggregate of the average monthly revenue of all the members of the Singapore group of entities from businesses carried on in Singapore for the period from the earliest date on which a member of the Singapore group of entities carried on a business in Singapore to 15 May 2021 (both dates inclusive).	The following documents of all the members of the Singapore group of entities, <u>supported by a statutory declaration by the tenant</u> , for the period from the earliest date on which a member of the Singapore group of entities commenced business to 15 May 2021: <ul style="list-style-type: none"> <li>• Unaudited balance-sheet</li> <li>• Profit and loss statement</li> <li>• Cash flow statement</li> </ul>
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(m) Any other documents or information that provide justifications as to why the lease agreement was not duly stamped.

**Application to Determine if a PTO Satisfies the Prescribed Criteria to Receive the Rental Waiver**

3. Where the application is for a determination as to whether the PTO is entitled to receive the rental waiver, the following documents and information are to be enclosed:

- (a) The address of the subject property;
- (b) The name of the PTO;
- (c) The email address and/or telephone number of the PTO;
- (d) A description of the PTO’s business;
- (e) A copy of the lease agreement in respect of the subject property;
- (f) The commencement date of the PTO’s business

(g) The documents as set out in the following table:

		<b>Relevant documents</b>
(i)	Where the PTO has carried on business for 12 months or longer as at the last day of its financial year ending in 2019	Financial statements for that financial year
(ii)	Where (i) does not apply, but the PTO has carried on business for 12 months or longer as at the last day of its financial year ending in 2020	Financial statements for that financial year
(iii)	Where (i) and (ii) do not apply, but the PTO has carried on business for 12 months or longer as at the last day of its financial year ending on a date in 2021, provided it is on or before 15 May 2021	Financial statements for that financial year
(iv)	Where (i), (ii) and (iii) do not apply, but the PTO has carried on business before 15 May 2021	The following documents for the period from the date of commencement of the PTO's business to 15 May 2021: <ul style="list-style-type: none"> <li>• Unaudited balance-sheet</li> <li>• Profit and loss statement</li> <li>• Cash flow statement</li> </ul>

(h) If you are unable to provide any of the financial statements / documents above, please provide a statutory declaration<sup>4</sup> attesting that revenue / annualised revenue for the specific financial year applicable to your business is not more than \$100 million.

(i) Profit and loss statements of the PTO, for the relevant periods as set out in the following table:

<b>Commencement date of the tenant's business at subject property</b>	<b>Relevant periods</b>
On or before 28 December 2020	<ul style="list-style-type: none"> <li>• 28 December 2020 to 7 May 2021 (both dates inclusive);</li> <li>• 16 May 2021 to 13 June 2021 (both dates inclusive) and</li> <li>• 22 July 2021 to 18 August 2021. (both dates inclusive)</li> </ul>
After 28 December 2020 but before 15 May 2021	<ul style="list-style-type: none"> <li>• From commencement date to 15 May 2021 (both dates inclusive);</li> <li>• 16 May 2021 to 13 June 2021 (both dates inclusive) and</li> <li>• 22 July 2021 to 18 August 2021 (both dates inclusive).</li> </ul>

(j) If you are unable to provide any of the profit and loss statements above, please provide a statutory declaration attesting that the tenant-occupier meets all the eligibility criteria to qualify for the rental waiver.

<sup>4</sup> A statutory declaration must be made before a Commissioner for Oaths, Notary Public or a Justice of the Peace.

(k) If applicable, where 50% or more of the total voting shares or voting power in the PTO (being an entity other than a specified person) is held (whether directly or indirectly) by an entity that is incorporated or established in Singapore, and the tenant-occupier is a member of a Singapore group of entities<sup>5</sup> in the period 5 August 2021 to 18 August 2021 — the documents as set out in the following table:

(i)	Where more than one member of the Singapore group of entities have carried on business for 12 months or longer as at the last day of the group’s financial year ending on a date in 2019	The financial statements of those members for that financial year
(ii)	Where (i) does not apply but more than one member of the Singapore group of entities have carried on business for 12 months or longer as at the last day of the group’s financial year ending on a date in 2020	The financial statements of those members for that financial year
(iii)	Where (i) and (ii) do not apply but more than one member of the Singapore group of entities have carried on any business for 12 months or longer as at the last day of the group’s financial year ending on a date in 2021 that it is on or before 15 May 2021	The financial statements of those members for that financial year
(iv)	In any other case — the aggregate revenue of the Singapore group of entities from businesses carried on in Singapore, calculated using the formula $12 \times A$ , is not more than \$100 million, where A is the aggregate of the average monthly revenue of all the members of the Singapore group of entities from businesses carried on in Singapore for the period from the earliest date on which a member of the Singapore group of entities carried on a business in Singapore to 15 May 2021 (both dates inclusive).	The following documents of all the members of the Singapore group of entities, <u>supported by a statutory declaration by the tenant</u> , for the period from the earliest date on which a member of the Singapore group of entities commenced business to 15 May 2021: <ul style="list-style-type: none"> <li>• Unaudited balance-sheet</li> <li>• Profit and loss statement</li> <li>• Cash flow statement</li> </ul>

(l) Any other documents or information that would support a determination that the PTO does not satisfy the prescribed criteria to qualify for the rental waiver.

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<sup>5</sup> “Singapore group of entities” means a group of entities that are incorporated or established in Singapore and related to each other through ownership or control in such a way that the group is either (a) required to prepare consolidated financial statements for financial reporting purposes under FRS 110 or an equivalent accounting standard, or (b) would have been so required if equity interests in any of the entities were traded on any stock exchange in Singapore.

**Application to determine if a tenant served the Notice of Rental Waiver and Supporting documents in accordance with the Act**

4. If your application relates to the non-compliance of service of the NRW and supporting documents by a tenant as provided for under the COVID-19 (Temporary Measures) Act, please provide all documents indicating this non-compliance and why this non-compliance was material in the circumstances of the case. This should include any documentary proof that the tenant did not serve the NRW and supporting documents within the specified timelines.

**Application to Determine if a Landlord is Entitled to be Exempt from Paying the Rental Waiver on the Grounds of Financial Hardship**

5. Where the application is for a determination as to whether the applicant landlord, being the property owner, is entitled to be exempt from providing the rental waiver on the grounds of financial hardship, the following documents and information are to be enclosed:

*A. Where the applicant landlord is an individual:*

- (a) A copy of the lease agreement for the subject property, and for all other properties for which the applicant landlord is required to grant rental waiver;
- (b) Copies of the applicant landlord's Property Tax Bills for Year 2021<sup>6</sup> of all the investment properties (including the prescribed property) owned by the applicant or each shareholder of the holding company (whether directly, or indirectly through companies) as at 22 July 2021;
- (c) A copy of the applicant landlord's return of income for the relevant period<sup>7</sup>, (if the applicant landlord is not due to furnish or is exempt from having to furnish any return of income for YA 2020 and YA 2021 under section 62(2) of the Income Tax Act) —

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<sup>6</sup> Property owners can log in to *myTax Portal > Notices/Letters > Property* to download their Property Tax Bills for Year 2021.

<sup>7</sup> If the lease commenced in 2019 or earlier and the landlord was required to file an income tax return in YA2020, the relevant period shall be the year 2019, and the landlord shall submit the Consolidated Statement for YA2020; if the lease commenced in 2020 and the landlord was required to file an income tax return in YA2021, the relevant period shall be the year 2020, and the landlord shall submit the Consolidated Statement for YA 2021; in any other case, the relevant period shall be the period of rental waiver. Individuals who have e-filed their income tax returns can log in to *myTax Portal > Notices/Letters > Individual* to retrieve their Consolidated Statement for YA2020 / YA2021.



- (i) a statutory declaration by the applicant landlord setting out his or her sources of income and the amount of income derived from each such source;
- (ii) a copy of the bank statement for each of the applicant landlord's bank accounts that is issued on a date that is not earlier than 7 days before the date of the application;
- (iii) if the applicant landlord derives employment income, a copy of the applicant landlord's pay slip for the latest salary period before the date of the application; and
- (iv) if the applicant landlord is self-employed —
  - (A) a detailed explanation or record of the transactions that were carried out in the course of the applicant landlord's business from 5 August 2021 to 18 August 2021; and
  - (B) the financial statements of the applicant landlord's business from 5 August 2021 to 18 August 2021;

*B. Where the landlord is a corporation (whether as a sole proprietorship) whose operations consists wholly or mainly of the holding of investment properties and every of its equity holder<sup>8</sup> is an individual:*

- (a) A copy of the following:
  - (i) Lease Agreement
  - (ii) Latest ACRA Bizfile record;
  - (iii) Return of income for YA 2020; and
  - (iv) Property Tax Bill for Year 2021.
- (b) Copies of each equity holder's Property Tax Bills for Year 2021<sup>9</sup> of all the investment properties (including the prescribed property) owned by the equity holder (whether solely or together with another person or by every investment holding corporation of the equity holder) as at 22 July 2021.
- (c) A copy of each equity holder's return of income for the relevant period<sup>10</sup>, (if the equity holder is not due to furnish or is exempt from having to furnish any

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<sup>8</sup> Equity Holder, in relation to a corporation, means the holder of any voting share or voting power in the corporation

<sup>9</sup> Property owners can log in to *myTax Portal > Notices/Letters > Property* to download their Property Tax Bills for Year 2021.

<sup>10</sup> If the lease commenced in 2019 or earlier and the landlord was required to file an income tax return in YA2020, the relevant period shall be the year 2019, and the landlord shall submit the Consolidated Statement for YA2020; if the lease commenced in 2020 and the landlord was required to file an income tax return in YA2021, the relevant period shall be the year 2020, and the landlord shall submit the Consolidated Statement for YA 2021; in any other case, the relevant period shall be the period of rental waiver. Individuals who have e-filed their income tax returns can log in to *myTax Portal > Notices/Letters > Individual* to retrieve their Consolidated Statement for YA2020 / YA2021.

return of income for YA 2020 and YA 2021 under section 62(2) of the Income Tax Act) —

- (i) a statutory declaration by the equity holder setting out his or her sources of income and the amount of income derived from each such source;
  - (ii) a copy of the bank statement for each of the equity holder's bank accounts that is issued on a date that is not earlier than 7 days before the date of the application;
  - (iii) if the equity holder derives employment income, a copy of the applicant landlord's pay slip for the latest salary period before the date of the application; and
  - (iv) if the equity holder is self-employed —
    - (A) a detailed explanation or record of the transactions that were carried out in the course of the equity holder's business from 5 August 2021 to 18 August 2021; and
    - (B) the financial statements of the equity holder's business from 5 August 2021 to 18 August 2021;
- (d) Where 2 or more owners of the prescribed property apply for a reversal of rental waiver, each applicant must provide a statutory declaration identifying all the owners of the prescribed property who are beneficially entitled to the rental income derived from the prescribed property.

### **Application to Have the Rental Waiver Reversed / Reduced on Just and Equitable Grounds**

6. Where the application is for a determination as to whether the applicant landlord is entitled to have the rental waiver reversed/reduced on just and equitable grounds, the following documents and information are to be enclosed:

- (a) A copy of the lease agreement in respect of the subject property;
- (b) Any document or information that would support a determination that the applicant landlord is entitled to have the rental waiver reversed or reduced on just and equitable grounds (e.g. documentary proof showing substantial assistance in the form of rental waiver or reduction to the tenant prior to 16 May 2021).

**Application to Determine the Actual Amount of Rental and/or any Component of the Formula Used to Compute the Prescribed Amount of Rent that is Waived for the Tenant and/or Amount which the Landlord can Offset Against the Rental Waiver Due to the Tenant**

7. Where the application is for determination on the actual amount of the rent under the lease agreement between the landlord and the landlord's tenant and/or the actual amount of any component of the formula used to compute the prescribed amount of rent that is waived for the landlord's tenant and/or amount which the landlord can offset against the rental waiver due to the tenant, the following documents and information are to be enclosed:

- (a) The address of the subject property;
- (b) The name of the tenant;
- (c) The email address and/or telephone number of the tenant;
- (d) A description of the tenant's business;
- (e) A copy of the lease agreement in respect of the subject property;
- (f) The commencement date of the subject tenant's business
- (g) Any other documents or information that may be relevant to the determination of the actual amount of rent under the lease agreement e.g. documentary evidence as to any payable license fee, amount determined by the gross turnover of the tenant's business at the subject property, amount payable as property tax for the subject property, maintenance charge or service charge.
- (h) Any other documents or information that that may be relevant to the determination as to the amount which the landlord can offset against the rental waiver to be provided to the tenant e.g. documentary evidence of:
  - (i) Any payment, or deduction of any amount due under the lease agreement, given by the landlord to the tenant on or after 16 May 2021 but before the date of receipt of the copy of the notice of rental waiver by the tenant;
  - (ii) Any payment, or deduction of any amount due under the lease agreement, undertaken by the landlord, before the date of receipt of the copy of the notice of rental waiver by the tenant, to be given to the tenant

(iii) Any unconditional reduction of any compensation due to the landlord by virtue of the tenant's termination of the lease before the date of receipt of the copy of the notice of rental waiver by the tenant

**Practice and Procedure for an Application for an Extension of Time and any other Application in the Proceedings of an Assessor's Determination**

8. The party seeking the extension may submit a written request to the Registrar at the same email address where the Registry has provided a Case Reference No. in a prior email correspondence.