

BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT

**BUILDING MAINTENANCE AND STRATA MANAGEMENT
(STRATA TITLES BOARDS) REGULATIONS 2005**

STB No. 20 of 2019

In the matter of an application under Section **111(b)**
of the Building Maintenance and Strata
Management Act in respect of the development
known as **Castle Green** (The MCST Plan No. 2178)

Between

Low Yung Chyuan

...Applicant

And

The MCST Plan No. 2178

... Respondent

GROUND OF DECISION

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Between

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... Applicant

And

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... Respondent

14 August 2019

2 September 2019

Coram: Mr Raymond Lye (Deputy President)

Prof Teo Keang Sood (Member)

Mr Chan Kok Way (Member)

Background

1. The Applicant is the subsidiary proprietor of Block 481 #XXX Castle Green Condominium (“**the Applicant**”). The Respondent is the Management Corporation of Castle Green Condominium (“**the Respondent**”). The Applicant applied for a renovation permit from the Respondent.
2. Section 2 “Renovation” of the by-laws of Castle Green Condominium (“**Castle Green**”) states that:

“Residents shall not carry out any work which may affect the external façade of the building without prior written approval of the Management. Façade shall include windows, curved windows in the living room, window grill, wash area, common areas, open areas and all other visible parts of the building which constitute or form part of the external appearance of the building.”

3. The Respondent approved the Applicant’s application for the said permit on or about 21 September 2018. On 23 September 2018, the Applicant wrote to the Respondent seeking approval for the installation of the sliding windows. From October to December 2018, both the Applicant and the Respondent (“**the parties**”) communicated and/or corresponded on the installation of the sliding windows.
4. On 2 January 2019, the Applicant applied for an extension of the renovation permit but her application was rejected by the Respondent on 15 January 2019. The Applicant then filed her application on 14 February 2019 with the Strata Titles Boards (“**STB**”).
5. The Applicant sought the following orders in her application to the STB pursuant to Section 111(b) of the Building Maintenance and Strata Management Act (“**BMSMA**”), namely:

*“1) To permit retention of installation of aluminium sliding window at yard opening.
2) To permit without further delay, completion of outstanding renovation works as per approved Renovation Permit no. 1909118/481 #XXX, dated 21/09/18.
3) To claim \$500 application fee and any subsequent costs incurred pertaining to this application; from the respondent.”*

6. The issue with respect to the renovation permit was resolved at mediation so that at the time of the hearing, the main issue to be decided by the Board was whether to grant an order to the Applicant for the installation of sliding windows at her yard opening.

Parties’ cases

7. In summary, the Applicant’s case is that where the uniformity of the building can no longer be preserved and there is no benefit to be gained by the management corporation, it would be unreasonable for the management corporation to withhold consent to the improvement works.¹ The Applicant submitted that the Respondent had permitted the installation of windows, grilles, screens, netting, blinds etc. for other subsidiary proprietors, in particular allowing windows for ground floor units, but did not approve the Applicant’s application for the same. She made four key submissions in support of her application²:

¹ Applicant’s Closing Submissions dated 23 August 2019 at para 9.

² Applicant’s Opening Statement dated 2 August 2019 at para 11.

- (a) The Respondent had permitted the installation of the yard windows for other subsidiary proprietors prior to the Applicant's application to the STB;
- (b) The Respondent did not consider ground floor units that had installed windows as having violated the by-laws;
- (c) The Respondent permitted grilles of different designs to be installed even though it had issued guidelines on a certain design and colour for the grilles; and
- (d) The Respondent permitted screens, netting and blinds to be installed at the yard.

8. In response, the Respondent made the following arguments³ :

- (a) In the Applicant's application for the renovation permit, the Applicant had not set out the proposed installation of the sliding windows which had to be gleaned from the supporting documents to the application form. This belied the Applicant's recognition that there would be an issue with the sliding windows;
- (b) From October to December 2018, when the parties communicated and/or corresponded on the sliding windows, the Applicant had been orally informed by the Managing Agent's ("MA") Mr Allan Neo that her proposed installation of the sliding windows was not approved but the Applicant disputed this and was of the view that her application for the sliding windows was pending.

The Respondent submitted that it was untrue that the Applicant could have construed her application as pending when the Applicant had written to the Respondent stating that "*one of the proposed works (installation of new sliding windows to the yard area) was not approved.*"⁴ The Applicant had installed the sliding windows despite being aware that the same were not approved in repeated reminders from the MA;

- (c) The Applicant had been given reasonable opportunity to present her case for the installation of the sliding windows to the subsidiary proprietors of Castle Green and to table a motion for this at the 20th Annual General Meeting ("AGM") of 29 June 2019. The subsidiary proprietors of Castle Green had voted against the installation of the sliding windows with the following results:

*"For: 180 shares values (46.2%)
Against: 209 shares values (53.73%)⁵";* and

- (d) The Applicant had promised to remove the sliding windows on two (2) occasions:
 - (i) in the Applicant's email dated 16 January 2019, the Applicant requested to meet the Management Council and that if the Management Council refused to

³ Respondent's Opening Statement dated 5 August 2019 at paras 9 to 13.

⁴ Affidavit of evidence in chief of Kwok Siew Lin, Shirley dated 18 July 2019 at para 12 & Tab B.

⁵ Affidavit of evidence in chief of Amanda Gladys Ang Yan Peng dated 18 July 2019 at para 25 & Tab E.

accept her proposal for the sliding windows, she would proceed to remove the sliding windows at her own cost; and

- (ii) at the mediation before STB on 26 March 2019, the Applicant would sign a letter of undertaking to remove the sliding windows if the tabled motion for the installation of the sliding windows was not approved at the 20th AGM. The Applicant did not sign the said letter nor remove the sliding windows.

Issues to be determined

9. The following three (3) issues arose before the Board under Section 111(b) of the Building Maintenance and Strata Management Act (“**BMSMA**”) for their determination:
 - (a) First, whether the Applicant’s sliding windows affect the appearance of the building for Castle Green (Section 37(3), BMSMA);
 - (b) Second, where the Applicant’s sliding windows affect the appearance of the building, whether the Applicant’s sliding windows detract from the appearance of the building or if it is in keeping with the rest of the building (Section 37(4), BMSMA); and
 - (c) Third, even if the Applicant’s sliding windows detract or is not in keeping with the rest of the building, whether there is any other reason to allow the Applicant’s sliding windows. An example would be Section 37A, BMSMA.

Whether the sliding windows affect the appearance of the building for Castle Green

10. In *Management Corporation Strata Title Plan No 1378 v Chen Ee Yueh Rachel* [1993] 3 SLR(R) 630 (“**Chen Ee Yueh**”), Chao Hick Tan J (as he then was) was of the view that the balcony and windows are building features which are visible from the exterior. In *Chen Ee Yueh* at [16] and [17], the learned Judge held that sliding windows are permanently affixed onto the balcony and that they do affect the overall appearance of the building. The test applied in *Chen Ee Yueh* in determining whether the sliding windows affect the external appearance of the building depended on “*the degree of permanence with which the addition or alteration is annexed to the original structure of the balcony.*”
11. It is not in dispute that the Applicant’s sliding windows are permanently affixed to her yard and that the structural integrity of the building would not be affected by the Applicant’s installation of the sliding windows. The sliding windows do affect the external appearance of Castle Green and the Applicant had installed the sliding windows in late November 2018 without the Respondent’s approval,⁶ with the evidence suggesting that parties were still trying to come to an agreement on the application at that time. The Respondent only made up its mind to reject the application in late December 2018 and wrote to the Applicant on 15 January 2019.⁷ Therefore, pursuant to Section 2 “Renovation” of the by-laws of Castle Green, the Applicant should not have carried out the installation of the sliding windows without approval from the Respondent.

⁶ Respondent’s Closing Submissions dated 23 August 2019 at para 49.

⁷ See Transcript page 52 Lines 1 to 11, Page 53 Lines 9 to 21.

Where the sliding windows affect the appearance of the building, whether they detract from the appearance of the building or are in keeping with the rest of the building

12. Even though the Applicant should not have carried out the installation of the sliding windows without the Respondent's approval (see para 11 above), the Board was of the view that the Applicant's installation of the sliding windows did not detract from the appearance of the building. These are elaborated below.
13. In *Management Corporation Strata Title Plan No. 940 v Lim Florence Marjorie* [2018] SGHC 254 ("**Lim Florence**"), the High Court had discussed Section 37(3), BMSMA and held at [74] that "[D]etermining whether renovations affect the appearance of a building is a factual exercise, undertaken by comparing the façade presented by the flat in question with the façade presented by other similar flats and by all of the flats as a whole: *Management Corporation Strata Title Plan No. 1786 v Huang Hsiang Shui* [2006] SGDC 20 at [112]". Further at [75] of *Lim Florence*, the High Court held that "[W]hether an improvement effected to a particular flat affects the façade of its building is not to be ascertained as a theoretical exercise but from the viewpoint of a reasonable observer who looks at the building from the position which is practically possible or likely." The High Court in *Lim Florence* decided based on the evidence of the photographs that there was a discernible variance between the façade presented by the defendant's flat and the façade presented by all the other flats in her block, both individually and taken as a whole.⁸
14. Although *Lim Florence* is not a case on Section 111(b) BMSMA and the question of whether the Respondent acted reasonably is not engaged⁹, the view of the Court on comparing the façade presented by the flat in question with other similar flats and all the flats as a whole, is instructive.
15. A look at the photographs relevant to the façade in question in the Applicant's Bundle of Documents at pages 3 to 13 shows the following:
- (a) Firstly, ground floor units were allowed to install sliding windows at their yards.
- (i) In the affidavit of evidence in chief of Amanda Gladys Ang Yan Peng ("**Amanda**") dated 18 July 2019 at [45], it was stated:
- "The MCST allows for installation of Window Grilles at the yard, which would address all the Applicant's stated concerns regarding safety and/or security."*
- (ii) Further, in Amanda's reply affidavit dated 26 July 2019 at [26], it was stated:

⁸ *Management Corporation Strata Title Plan No. 940 v Lim Florence Marjorie* [2018] SGHC 254 at para 77.

⁹ *Ibid* at para 90.

“...I noted at paragraph 24 of Low’s AEIC that the Applicant took issue with how issue with how the ground floor units are permitted to install yard windows. This is because unlike upper floor units (like the Unit), a yard on the ground floor faces the additional problem of privacy. The Management Council took into account this consideration and permitted installation of yard windows only in relation to ground floor units...”

- (iii) At the hearing, the Respondent failed to adequately substantiate and respond to how the installation of windows at the ground floor units was to address their privacy.

As provided in the testimony of Kwok Siew Lin, Shirley (“**Shirley**”):

“Q *--sliding windows to be installed. And I understand that part of your answer was that for reasons of privacy, right?*

A *Positive. It was – we were informed by the Council.*

Q *Now as a managing agent with some nine years of experience, can you tell the Board what is your understanding of this reason of privacy that lead to the ground floor units being approved to install sliding windows?*

A *The sliding windows at level 1 was approved before PFS took over. So we just follow suit.¹⁰*

...

Q *How does sliding windows help to improve privacy? Maybe I help to guide you, from your understanding?*

A *Okay, they also mentioned that not only privacy, they also mentioned that to prevent splatters of rain entering into their unit. That is why the Council has approved it. But from my understanding, that for level 1 privacies, it’s they are not – so that the residents that walk passes by are not able to see what they are doing inside... So there is a sense of privacies.*

Q *So that is your understanding of protecting the privacy of the residents in the unit?*

A *At level 1.*

Q *By installing windows?*

¹⁰ Transcript of 14th August 2019 at Page 94 Lines 4 to 14.

- A *Yah.*
- Q *To prevent people from looking in?*
- A *Yes. Because the windows are pretty low.*
- Q *Okay, maybe you got to help us understand. How does installing windows help to prevent people from looking in?*
- A *Because when you walk past, people tends to peep into the units.*
- Q *That I understand. But how does installing windows prevent that?*
- A *They also have this - - they also prevent rain.*
- Q *That I understand.*
- A *Yah.*
- Q *It's in fact one of the reasons the applicant wants to install windows, to prevent rain. But let's not go into that. I mean I am more interested in the issue of privacy. For example, if what you say, your understanding is to prevent busybodies from looking into the unit, wouldn't an opaque covering be more important than windows?*
- A *Most of them were opaque, most of them.*
- Q *You know, like blinds or curtains to prevent people from looking in. So why windows? I don't understand.*
- A *The design was actually approved by the Council.*¹¹
- ...
- Q *-- and seeing what's inside, from your experience and your knowledge, not whichever Council, your own experience and understanding, which is the best way to prevent people from the outside looking in to a unit? From your own experience and knowledge.*
- A *Okay, let's say for the blinds, when the wind blow, there's the blinds will flap up. So people still can look into the unit. So with the sliding windows and curtains or if they put a shield, then we cannot see inside the unit.*
- Q *So if they install blinds, then the blind shouldn't be moveable.*
- A *When the wind blow, yah, then –*
- Q *Are there blinds that you can - -*
- A *Ziptrak, that is Ziptrak. Ziptrak, because what happened is that Ziptrak, how it works is that it's motorised, it works along together*

¹¹ Transcript of 14th August 2019 at Page 95 Line 1 to Page 96 Line 17.

with the frame, it comes down together with the frame. So no matter how the wind blow, it will not flip.

Q *So there are alternatives to installing a window?*

A *Yah.*

Q *If your idea is to protect privacy and not let people look in.*

A *Yah, that is Ziptrak.*

Q *Is there a requirement that the ground floor window units install tinted windows, that means windows that are opaque? Is that a requirement for Castle Green?*

A *Currently, no, there's no requirement.*

Q *So they can install clear windows?*

A *Yah.*¹²

Based on Shirley's testimony above, the installation of windows (or clear windows) at the ground floor units was allowed before the new managing agent (i.e. Property Facility Services Pte Ltd or PFS) took over, was approved by the Management Council, and the windows were meant to prevent the passer-by from looking into the ground floor units. To address the problem of privacy, the ground floor units would have to install frosted/tinted/opaque windows and/or blinds to prevent a passer-by from looking into their units. It was not clear to the Board as to any reasonable basis for allowing ground floor units to install clear sliding windows and not other units. The Board was therefore of the view that there was no reason why the Applicant should be treated differently from the ground floor units and denied the installation of sliding windows at her yard.

- (b) Secondly, there was approval/acquiescence by the Respondent for installation of sliding yard windows and other features affecting the facade.
- (i) Unit #XXX at Block 481 was allowed to install sliding yard windows in August 2018¹³. This seems to have been downplayed by the Respondent, who belatedly in March 2019, after this application was made, issued a letter to the owner(s) to remove unapproved windows.¹⁴
- (ii) Further, when asked about whether the MCST had taken action or issued any letters against subsidiary proprietors that had installed grilles of different color and design that did not conform to the guidelines, Amanda repeated that this was "*in progress*"¹⁵. Shirley also confirms that as far as she knows,

¹² Transcript of 14th August 2019 at Page 97 Line 9 to Page 98 Line 15.

¹³ Applicant's bundle of documents at pages 15 and 16.

¹⁴ Transcript of 14th August 2019 at Page 67 Lines 4 to 14.

¹⁵ Transcript of 14th August 2019 at Page 88 Line 4, Page 88 Line 8.

prior to the letters sent out on 12 March 2019 (after the Applicant's application was filed with the STB), no letters were sent to owners with unauthorised yard windows asking them to remove the said windows.¹⁶

(iii) It therefore appears to the Board that the Respondent has, for reasons best known to them, allowed subsidiary proprietors who have installed a variety of items affecting the façade, to do so for a considerable period of time without approval.

(c) Thirdly, there are other yard units with a variety of installations. It is clear to the Board the building of Castle Green could not be said to be aesthetically uniform as screens, blinds, different designs in grilles, netting and Ziptrak were already installed, provided in Shirley's testimony at the hearing of 14 August 2019:

- Q -- I put it to you that the MCST is agreeable to allowing screens, nettings and blinds to be installed at the yard. Do you agree?
- A Screen, nettings. Mosquito net is okay, to my understanding.
- Q Blinds as well?
- A Recently, they approved one is Ziptrak.
- Q Which is a kind of blind, right?
- A Yes, yes.
- Q And that's allowed, Ziptrak is allowed?
- A Yes, yes.¹⁷
- ...
- Q That's Ziptrak?
- A Yes, positive
- Q So these are motorised screens?
- A Yes, with frames.
- Q And there's no grille in front, right?
- A No grille.
- Q And the frames are fixed, I mean the Ziptrak is held by frames at the side and they are fixed, correct?
- A Yes, positive.
- Q And I put it to you that these screens and blinds, they detract from the appearance of the building even more than a plain glass window. Would you agree? Do you understand "detract from the appearance"?
- A Understand.
- Q So do you agree that these screens detract from the appearance more than a plain glass window?

¹⁶ Transcript of 14th August 2019 at Page 67 Lines 10 to 17.

¹⁷ Transcript of 14th August 2019 at Page 88 Lines 10 to 20.

A Yes.¹⁸

...

Q *I put it to you that the only reason that the MCST has refused my client permission to install the windows is that the windows detract from the appearance of the building.*

A *Positive.*

Q *And I put it to you that because of all these different designs in grilles and netting and Ziptrak, the uniformity of look of the façade is gone. Do you agree?*

A *The nettings is removable item, it's as what the Council had suggested to her, that she can install the nettings to prevent mosquitoes or insects from entering.*

Q *Yes, but what about the grilles of different design –*

A *The windows, the –*

Q *-- there is no more uniformity in appearance, do you agree?*

A *I agree, but that's why we are working on it.¹⁹ ;*

Aside from the admission by the Respondent, the Board is further fortified in its view that the Applicant's installation of the sliding windows would not detract from the aesthetic uniformity of the building of Castle Green on a visual inspection of the photographs of the Applicant's unit in its proper context when situated amongst several other units that had installed screens, blinds, different designs in grilles, netting and Ziptrak within the *recessed yard area* of the building²⁰; and in applying the test that whether an improvement effected to a flat affecting the façade of its building is not to be ascertained as a theoretical exercise but from "*the viewpoint of a reasonable observer who looks at the building from a position which is practically possible or likely.*"²¹ (see para 13 above).

- (d) Fourthly, the AGM resolution was not unequivocal unlike *Lim Florence* where a unanimous resolution was obtained to take action against the subsidiary proprietors to ensure that they reinstate their balconies to the original design. The Board was of the view that at the 20th AGM, the motion that was tabled was ambiguous and confusing.

The following motion was tabled at the 20th AGM:

"11.2 Yard Window

¹⁸ Transcript of 14th August 2019 at Page 89 Lines 8 to 24.

¹⁹ Transcript of 14th August 2019 at Page 91 Line 17 to Page 92 Line 8.

²⁰ Applicant's bundle of documents at pages 3 to 13.

²¹ Management Corporation Strata Title Plan No. 940 v Lim Florence Marjorie [2018] SGHC 254 at para [77].

To consider and if approved, resolve by way of Special Resolution to allow only sliding windows to be installed at the yard. When there are both windows and grilles, the grilles need to be installed on the outside.

This proposed by-law (11.2) if passed would be added into the existing by-laws on installation of windows.

This proposed by-law (11.2) if not passed would empower the Management Council to take legal proceedings against unit(s) in violation and such legal fees, disbursements and incidental costs, incurred in the legal proceedings shall be recovered from the Subsidiary Proprietors concerned.”²²

The motion to allow only sliding windows to be installed at the yard was fundamentally different in nature / content / character with a motion to allow the management corporation to commence legal proceedings against units that were in violation of the installation of sliding windows at the yard.

The Board agrees with the Applicant’s submissions that the above motion may be inherently unfair wherein the general body had been asked to vote on two issues with one vote i.e. whether to permit windows to be installed at the yard and whether to take legal proceedings against the installation of the windows.²³ However, the Board finds that it will not be necessary to decide on whether the resolution made on this motion is invalid or should be repealed as this was not part of the Applicant’s application.

16. Further, as stated in *Zou Xiong v MCST Plan No. 2360* [2017] SGSTB 5 (“*Zou Xiong*”) at [31], it would not necessary to hold an AGM to approve the Applicant’s installation of sliding windows at her yard:

“It is the Respondent’s (i.e. the management corporation’s) role to put in place a set of design guidelines for the installation of safety grilles that address both the safety issues and the issues regarding the façade of the Development, so that the subsidiary proprietors can comply with such guidelines. Where there is no design guidelines, the subsidiary proprietor’s application for the installation of the invisible grilles have to be decided on a case-by-case basis. In exercising its power, the Respondent should not defer its responsibility to the general body.”

17. The Board finds that it was not necessary for the Respondent to hold an AGM in order to decide on the Applicant’s installation of the sliding windows at her yard. Further, there

²² Affidavit of evidence in chief of Amanda Gladys Ang Yan Peng dated 18 July 2019 at para 20.

²³ Applicant’s Closing Submissions dated 23 August 2019 at para 54(h).

were already design guidelines provided by the Respondent. The Respondent could decide on a case-by-case basis without the need for an AGM.

18. Section 37(4) of the BMSMA states that:

“A management corporation may, at the request of a subsidiary proprietor of any lot comprised in its strata title plan and upon such terms as it considers appropriate, authorise the subsidiary proprietor to effect any improvement in or upon his lot...if the management corporation is satisfied that the improvement in or upon the lot-
(a) *will not detract from the appearance of any of the buildings comprised in the strata title plan or will be in keeping with the rest of the buildings; and*
(b) *will not affect the structural integrity of any of the buildings comprised in the strata title plan.”*

19. The Board is of the view that Section 37(4) purports to prevent subsidiary proprietors from making alterations or improvements to their respective lots in order to maintain a uniform appearance and façade with the rest of the building and to ensure that subsidiary proprietors adhere to the structural integrity of the building. Where the Applicant’s installation of sliding windows does not detract from the appearance or is in keeping with the rest of the building, and where there is no dispute that the installation of windows does not affect the structural integrity of the buildings, the onus falls on the Respondent to have a reasonable basis for rejecting the application, based on the facts and appearance of the buildings in question.
20. The Respondent’s exercise of its discretion in not approving the Applicant’s installation of sliding windows at her yard is arguably unreasonable when the same sliding windows were allowed for ground floor units (see para 15(a) above), and where installations of screens, blinds, different designs in grilles, netting and Ziptrack were permitted (see para 15(c) above). The Board is of the view that the Applicant’s installation of clear sliding windows could not be said to detract further from the aesthetic uniformity of Castle Green.
21. It appears that the Respondent may have lacked objectivity and also acted unreasonably in dealing with the Applicant’s request for an extension of time for her renovation permit, going so far as to disregard the advice of the Managing Agent.²⁴ The Board also noted that no other subsidiary proprietor has written in to complain about the Applicant’s sliding windows.²⁵

²⁴ Transcript of 14th August 2019 at Page 58 Line 20 to Page 59 Line 22.

²⁵ Transcript of 14th August 2019 at Page 60 Lines 4 to 6.

Where the sliding windows detract from the appearance of the building or are not in keeping with the rest of the building, whether there are any other reasons to allow for the said windows

22. It would not be necessary for the Board to find whether there are any other reasons to allow the Applicant's installation for the sliding windows given that the Board has found the Applicant's installation of sliding windows does not detract from the appearance of the building and is in keeping in the rest of the building.

Conclusion

23. Section 111(b) of the BMSMA, states:

“Where, pursuant to an application by a subsidiary proprietor, a Board considers that the management corporation or subsidiary management corporation to which the application relates-

(b) has unreasonably refused to authorise under Section 37(4) any improvement in or upon a lot which affects the appearance of any building comprised in the strata title plan,

the Board may make an order that the management corporation or subsidiary management corporation, as the case may be, consents to the proposal.”

24. Pursuant to Section 111(b) of the BMSMA, a subsidiary proprietor may apply to STB for an order that the management corporation give consent for the improvement in her lot where her application under Section 37(4) of the BMSMA has been unreasonably refused. It was the Applicant's submission that her proposal for installation of yard windows was pending and the Respondent's submissions that her proposal was not approved. Be that as it may, the fact is that the Respondent had not authorised and had refused the Applicant's proposal to effect improvements i.e. install clear sliding windows in or upon her lot.

25. As the Board had earlier determined:

(a) that the improvement works (i.e. the installation of the clear sliding windows at the Applicant's yard) do not detract from the appearance of the building and are in keeping with the rest of the building in view of the prior state of the façade of the *recessed yard areas*, where other units had already installed clear sliding windows, screens, blinds, different designs in grilles, netting and Ziptrack, which the Respondent had approved or had not taken action against; and

(b) that there is no reasonable basis to not consent to or refuse the Applicant's proposal,

the Board finds the Respondent to have unreasonably refused the Applicant's application to install sliding windows at her yard and orders the Respondent to consent to the same.

26. The Board reminds all Council members to act objectively and dispassionately in carrying out their duties under the BMSMA, with any notions of personal differences and/or opinions to be put aside. It may not be an easy task, as most Council members are laypersons and volunteers. The Council should work closely with their professional managing agents who should be in a position to offer such advice.

Board's Order

27. The application in STB 20 of 2019 is allowed.
28. The Board will hear the parties on costs.

Dated this 2nd day of September 2019

MR RAYMOND LYE
Deputy President

PROF TEO KEANG SOOD
Member

MR CHAN KOK WAY
Member

Ms Teh Ee-von (M/s Infinitus Law Corporation)
for the Applicant.
Mr Koh Junxiang and Mr Chua Minghao (M/s
Clasis LLC) for the Respondent.