



STRATA TITLES BOARDS

ANNUAL REPORT 2018

Building On Success

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PRESIDENT'S MESSAGE



2018 was once again another year of progress and growth for Strata Titles Boards (STB). STB continued to transform its work processes by improving its efficiency and accessibility with the aid of technology. In the past year, despite an increase in applications filed with STB and the spike in en-bloc applications, STB initiated a Fast Track System which has assisted us in resolving these applications expeditiously.

STB saw some changes to our Board composition. Mr Raymond Lye, a long-serving member, was appointed as Deputy President. Mr Edwin Choo, Mr Lee Keh Sai and Mr Goh Tiam Lock stepped down as members while Mr Rajaram Ramiah, Mdm Zahara binte Bakar and Ms Hazel Tang joined STB as new members.

To those who have stepped down as members, we would like to express our sincere gratitude to them for dedicating their time and effort to serve on STB. STB continues to strive for excellence by ensuring that there is a diversity of opinion and expertise in our Board composition.

It has been a fruitful year for STB and in looking towards 2019, we are mindful that the coming year will present new challenges and opportunities. STB will continue to pursue innovative ways to further enhance its efficiency both internally and externally, by digitising our filing system and our application process to further elevate the public's access to justice. Regardless of the challenges ahead, we believe that our continual strive towards technological innovation will help improve STB's performance and expedite STB's initiatives to facilitate public access and reinvent itself.

Improvement with the aid of technology is the easier part. The quality of the decision making process is more important. We will review the entire process of how we conduct mediations and arbitration hearings. We will pay greater emphasis on resolving water seepage disputes expeditiously so that the party who suffers from the seepage can seek redress without long drawn mediations and arbitration hearings.

I look forward to working with the Board and the Registry in the coming year and I would like to express my appreciation to the members and the Registry for their commitment and passion.

ALFONSO ANG
PRESIDENT
STRATA TITLES BOARDS

REGISTRAR'S MESSAGE

In 2018, it was announced that a new United Nations (UN) treaty on mediation will be named after Singapore, and a signing ceremony is due to take place in Singapore in 2019. This will be the first UN treaty named after Singapore, and it will be named the Singapore Convention on Mediation. It is one of the highest honour that is accorded to a country. This underscores the importance of Singapore's role in mediation in the international stage. More significantly, it showcases what a small and strong nation is capable of achieving.



Singapore has built a sound reputation for having an ecosystem for mediation that is fast, efficient and transparent. STB was formed in 1987 to use mediation-arbitration to resolve neighbour disputes in strata developments. It is therefore imperative to create better awareness that neighbour conflicts can be resolved at STB through amicable means such as mediation. To this end, STB presented a paper at the “Inaugural Conference on Resolution of Neighbour Disputes” organised by the International Institute of Mediators (Singapore) in September 2018.

Since the launch of STB website (www.stratatb.gov.sg) on 1 January 2018, we have seen a viewership count of close to 40,000. My goal is to make STB a one-stop tribunal for strata disputes and to resolve strata disputes effectively and expeditiously. We are on track.

As STB continues in its endeavour to implement a more holistic approach towards resolving disputes amicably amongst neighbours, STB will foster closer cooperation and collaboration with our stakeholders. STB will continue to leave an indelible mark and help shape the backdrop for cohesive strata living in Singapore. I am proud of what STB has achieved and I am excited about the future.

BRENDA CHUA

REGISTRAR

STRATA TITLES BOARDS

VISION, MISSION AND CORE VALUES

VISION

A world class and respectable tribunal built on Society's Trust and for the Betterment of community living

MISSION

Serving the community by facilitating and reconciling all disputes effectively & expeditiously Through our Best endeavours

CORE VALUES

Service to the public

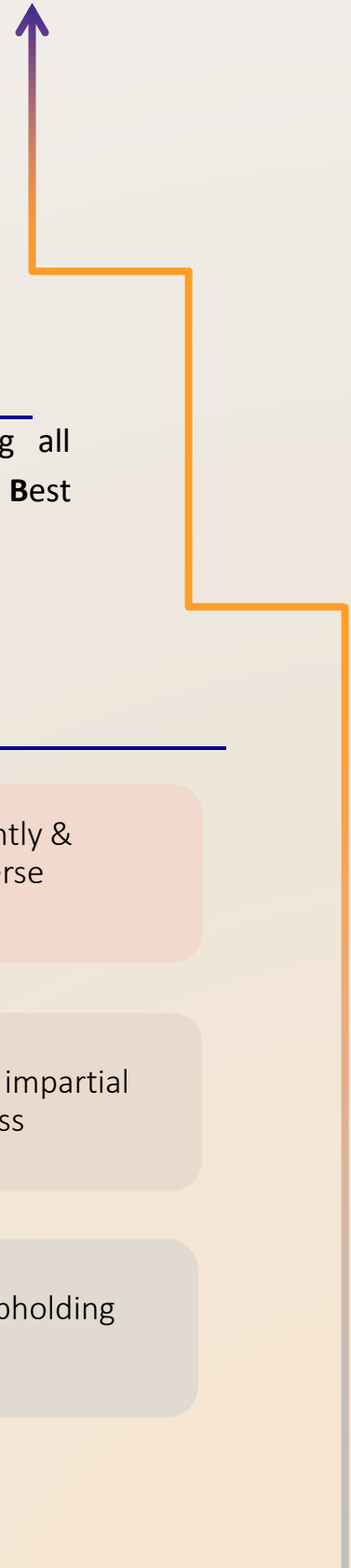
- Resolving cases efficiently & expeditiously with diverse expertise

Transparency and independence

- A neutral tribunal with impartial decision-making process

Building trust and upholding cohesiveness in strata living

- Access to justice and upholding the rule of law



STB

OUR STRATEGIC PARTNERS

STB works closely with the Ministry of National Development (MND), Building and Construction Authority (BCA) and Singapore Land Authority (SLA).



(Left to right) Front Row

Mr Edwin Choo, Mr Tang Tuck Weng (Senior Director, Corporate Development/MND), Mr Raymond Lye (Deputy President/STB), Mr Seng Kwang Boon (Deputy President/STB), Mr Alfonso Ang (President/STB), Mr Desmond Lee (Second Minister/MND), Mr Remedios Francis George (Deputy President/STB), Ms Lee Lay See (Deputy President/STB), Mr Hugh Lim (CEO/BCA), Mrs Tan Sook Yee, Mr Lee Keh Sai

(Left to right) Second Row

Ms Hazel Tang, Mr Tan Ee Ping, Ms Brenda Chua (Registrar/STB), Mr Lawrence Ang, Dr Tang Hang Wu, Mr Edward D'Silva, Ms Elaine Chew, Mdm Zahara binte Bakar, Mr Frankie Chia, Mr Lai Huen Poh, Professor Teo Keang Sood, Mr Tan Kian Hoon, Mr Tan Lian Ker, Mr Seah Choo Meng, Mr Lee Coo, Mr Cyril Seah

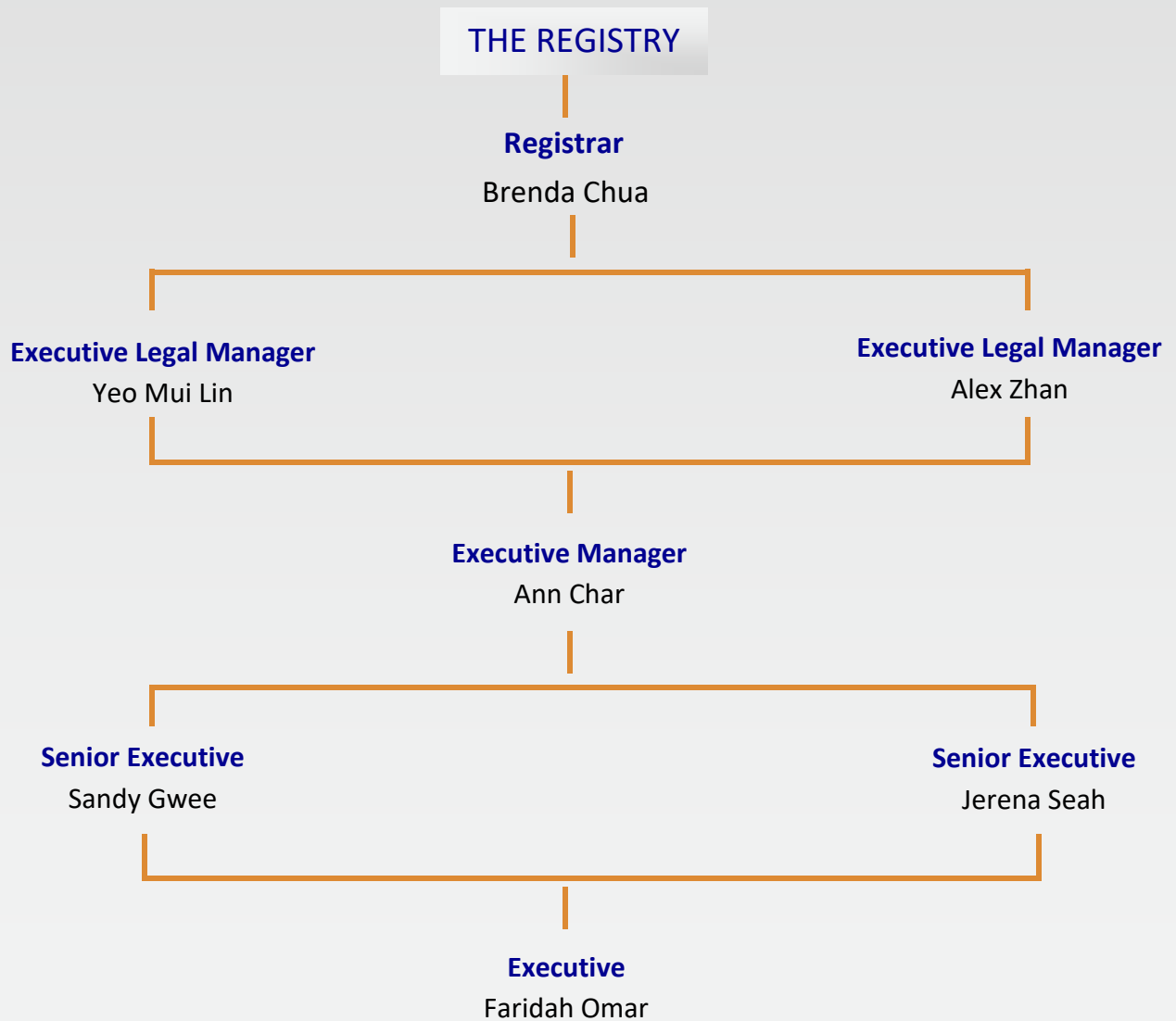
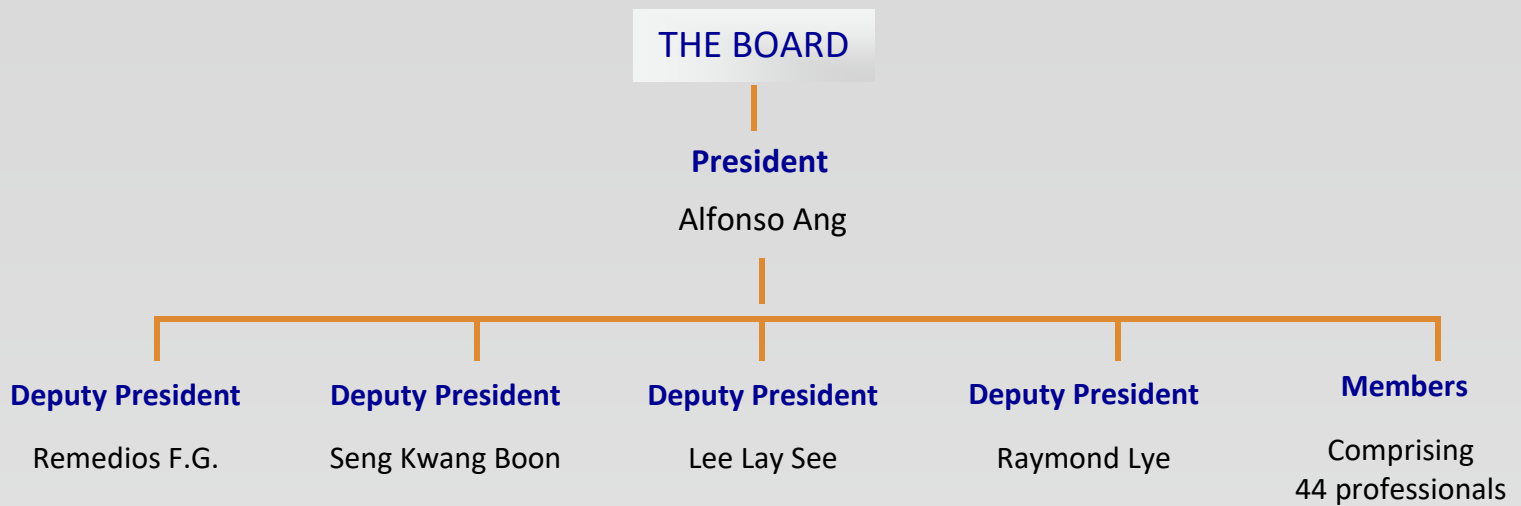
(Left to right) Third Row

Mr Rajaram Ramiah, Mr Chua Koon Hoe, Mr Zahidi bin Abdul Rahman, Mr Lim Peng Hong, Mr Tang Tuck Kim, Mr Chan Ewe Jin, Mr Tay Chye Teck Tony, Mr Leo Cheng Suan, Mr Tony Tan Keng Joo, Mr Ashvinkumar s/o Kantilal, Mr Lim Gnee Kiang, Mr Goh Tiam Lock, Dr Tan Teng Hooi, Mr Chan Kok Way, Mr Loh Kwi Leong, Mr Bryan Chew (ACE/SLA), Mr Winston Hauw, Mr Richard Tan Ming Kirk

(Left to right) Back Row

Mr Kenny Ng, Mr PO Ram, Mr Kong Mun Kwong, Ms Lyn Toh, Ms Faridah binte Omar, Ms Jerena Seah, Ms Ann Char, Mr Alex Zhan

ORGANISATIONAL STRUCTURE



CALENDAR OF EVENTS

Jan



Visit by delegates from Malaysia

Jul

Visit by delegates from Myanmar



Aug



Ministry of National Development (MND) National Day Observance Ceremony

STB President Mr Alfonso Ang seated with Ministers & Senior Management of the MND Family

Sep

MND Huddle

STB President Mr Alfonso Ang with MND Award Recipients Er Chua Koon Hoe (Dedicated Service Award 20 years), Associate Professor Lye Lin Heng (Dedicated Service Award 15 years) and Er Lim Peng Hong (MND Medallion)



CALENDAR OF EVENTS

Sep



Conference on Resolution of Neighbour Disputes, Singapore organised by International Institute of Mediators Singapore

Guest of Honour Mr Edwin Tong, Senior Minister of State for Law with STB member Dr Lim Lan Yuan and STB Registrar Ms Brenda Chua

Oct

STB Annual Dinner

Guest of Honour Mr Desmond Lee, Minister of Social and Family Development & 2nd Minister of National Development with STB and guests from MND and BCA



Oct



National Day Awards Investiture organised by President's Office

President Halimah Yacob and STB Deputy President Ms Lee Lay See

Nov

MND National Day Awards Investiture hosted by Mr Lawrence Wong, Minister for National Development

STB Deputy President Ms Lee Lay See (The Public Service Medal), STB President Mr Alfonso Ang, Ms Ann Char (Efficiency Medal) and Mr Lai Huen Poh

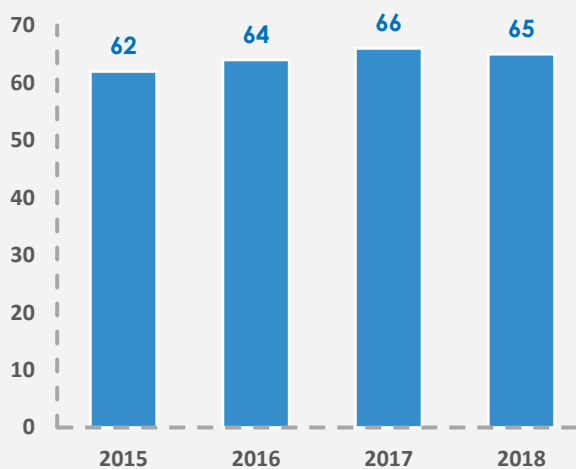


ACHIEVEMENTS

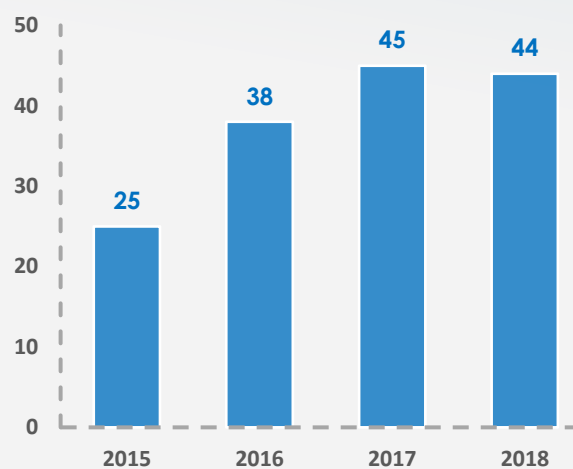
There is a steady increase in the number of applications filed at STB over recent years – an increment of 16.7%, 17.1% and 23.6% between the respective years from 2015 to 2018.

In 2018, 78.2% of the disputes were concluded at mediation stage and 77.6% of the collective sale matters were concluded at STB.

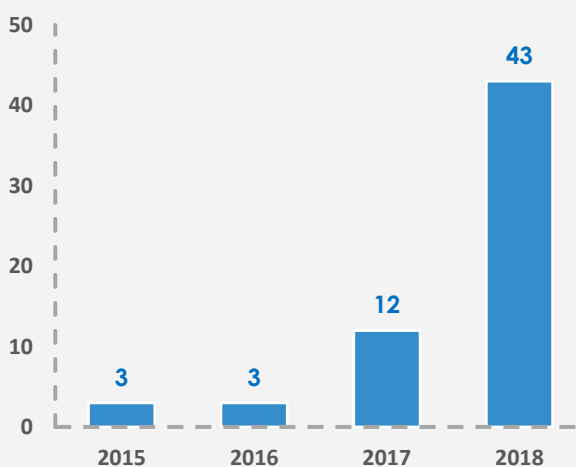
WATER LEAKAGE



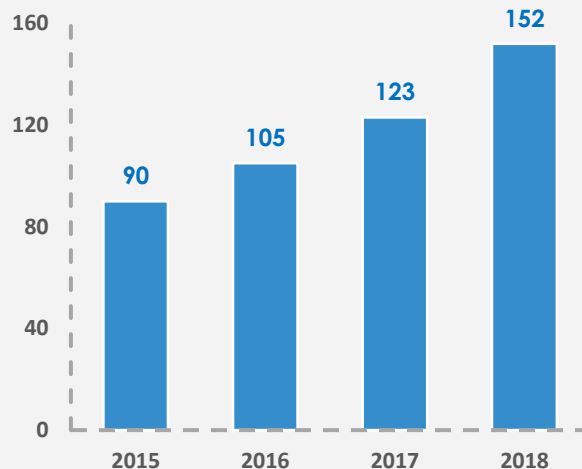
MCST DISPUTES



COLLECTIVE SALE



YEAR-ON-YEAR



MILESTONES

In 2018, STB implemented these initiatives to improve our service delivery, increase efficiency and to reach out to our stakeholders.

Fast Track System

Following a pilot trial which proved successful, we implemented a Fast Track System (FTS) for all cases with the intention to shorten the work flow for cases and expedite the timeline. This has resulted in a one-week time saving to parties compared to the old timeline.

STB Internship Programme

We launched the STB Internship Programme on 1 January 2018. This programme is offered to tertiary students in Law & Management/Real Estate Business faculties to provide them with practical exposure to mediation and hearing processes in STB.

EXPERIENCE

"The STB Internship Programme taught me the issues that arise from strata living. Not only do I get to have a better understanding of the legislation such as BMSMA, but also have the opportunities to observe and experience first-hand how STB deals with various disputes and en-bloc matters during mediations and hearing. Through this internship, I am given opportunities to apply what I have learnt in school and acquire new skills and knowledge which will be useful in my future endeavours. It has been a great learning experience and I truly appreciate it!"

Ms Chan Wei Ling,
Singapore Management University
School of Law

"I have had a rewarding and satisfying internship at the Strata Titles Boards. During the internship, I saw disputes between owners of strata-titled properties over a wide range of issues (from en-bloc, water seepage between floors to erection of unauthorised structure by owners) resolved. To optimize my learning, the case officer would acquaint me with the issues and facts in dispute before each mediation and hearing. I also had the opportunity to meet and speak with many of the Board's distinguished and affable members."

Mr Jonathan Ho,
National University of Singapore
Department of Real Estate

EXPERIENCE

EC owners' bid to keep fixed awnings rejected

Strata Titles Board says retractable awnings are right response to killer litter problem

K.C. VIJAYAN,
SENIOR LAW CORRESPONDENT

Faced with the prospect of killer litter falling into the private enclosed space of their ground-floor units, 22 owners applied to the Strata Titles Boards (STB) for an order to allow fixed metal awnings to be erected.

But the STB turned down their application, saying that retractable awnings would serve the purpose.

It ruled that the management corporation's (MC) approval for a retractable awning as a safety device is justified.

"The installation of a retractable awning is a necessary, reasonable and proportionate response to the killer litter problem," said the STB tribunal presided by Mr Alfonso Ang, with members Dr Tang Hang Wu and Mr Chng Beng Guan in decision grounds last month.

The 11 ground-floor units are at the Belysa, an executive condominium development in Pasir Ris Drive 1.

All the applicants had installed fixed awnings within the enclosed space of their respective units, anchored to concrete ledges that protrude out of the external walls.

Other owners, however, have installed retractable awnings.

The STB accepted that the strata development faced a killer litter problem, noting that numerous items such as a knife blade, aluminium poles, glass shards and even a tennis racket had dropped into the ground-floor units.

The relevant by-laws of the Building Maintenance (Strata Management) Regulations 2005 allow the installation of safety devices but also provide that any "safety device" must still adhere to guidelines prescribed by the MC. The MC's guidelines permitted retractable awnings.

The applicants' lawyer, Mr Toh Kok Seng, argued that the issue for the STB was whether the shelters are in fact safety devices which improve safety within the applicants' lots. He



The Belysa executive condominium. TNP PHOTO: ARIFFIN JAMAR

added that the presence of alternatives does not change the answer to be decided.

The MC's lawyer, Ms Teh Ee- von, countered that the applicants should use retractable awnings instead as fixed awnings annoyed second-floor unit owners as "they reflect heat, block the view and are noisy when it rains".

"The fixed shelters trap dirt and are an eyesore especially because they are not regularly cleaned," she added.

The STB found, after reviewing the evidence, retractable and not fixed awnings were the right response to the problem. It said that the MC had, in opting for retractable awnings, to juggle competing demands from different unit owners who may have conflicting interests.

COMPELLING EVIDENCE

It cited the "compelling evidence" of one second-floor unit owner who said the presence of the fixed awnings has led him to not be able to enjoy his balcony, made him suffer from depression and feel helpless.

Expressing appreciation that the applicants had installed the fixed awnings "in the good faith belief that this was the best option to protect themselves and their families", the STB explained that they must balance their needs with those of the other unit owners.

"The Board urges all parties to repair and reconcile their relationship after this application because parties are in an 'enduring property relationship'."

It added: "People who live in condominiums must out of necessity work closely with each other to make a condominium association function", quoting leading property scholar Chen Lei.

vijayan@sph.com.sg

THE STRAITS TIMES

Premium

Bid to allow public access to minimart in condo fails



A visitor had to pass by residential blocks and two swimming pools in the common areas of Urban Vista condo to get to the minimart, which was located at the far end from the entrance to the property. PHOTO: STRATA TITLES BOARDS

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STB rules that management corporation and residents have right to restrict access to estate

K.C. Vijayan Senior Law Correspondent (mailto:vijayan@sph.com.sg)

SIGNIFICANT CASES – INSTALLATION OF AWNINGS

STB 119 of 2017 (BELYSA)

Ahmad bin Ibrahim and 21 others

v

The MCST Plan No. 4131

Date of Judgment: 12 November 2018



This application concerned a claim by 22 subsidiary proprietors (“the Applicants”) against the Management Corporation (“the Respondent”). The Applicants sought the Respondent’s consent to the installation of fixed awnings within the private enclosed spaces of the Applicants’ respective units. The Applicants had complained of “killer” litter before and the Respondent had issued notices to remind residents not to litter.

The Applicants argued that they were entitled to install the fixed awnings on the basis that the awnings are not fixed onto common property. Further, the concrete ledges which anchored the fixed awnings were not considered to be common property. The Board found this

argument unsustainable and was of the view that the concrete ledges were part of the common property of the strata development to be enjoyed by some or even all subsidiary proprietors.

The main contention between the Applicants and the Respondent was the choice of fixed awnings as opposed to retractable awnings. While the installation of retractable awnings was allowed, fixed awnings were not. The Applicants argued that a retractable awning would not serve as an adequate safety device against the litter.

After reviewing the evidence, the Board was not persuaded by the Applicants’ position. The Board was presented with evidence of people sitting on a retractable awning and evidence of such retractable awnings being subject to 43 kg and 74 kg drop tests without damage to the awning. Thus, the Applicants’ argument that retractable awnings would not adequately protect them was not persuasive. Further, the Board took the view that the Respondent was justified in approving retractable awnings (and not fixed awnings) as the necessary safety device to the “killer” litter problem, because the installation of fixed awnings was not a necessary, reasonable and proportionate response to the problem. Therefore, the Applicants’ action was dismissed.

SIGNIFICANT CASES – DUTIES AND POWERS OF THE MANAGEMENT CORPORATION

STB 63 of 2018 (URBAN VISTA) Bayfront Realty Pte Ltd

v

MCST No. 4404

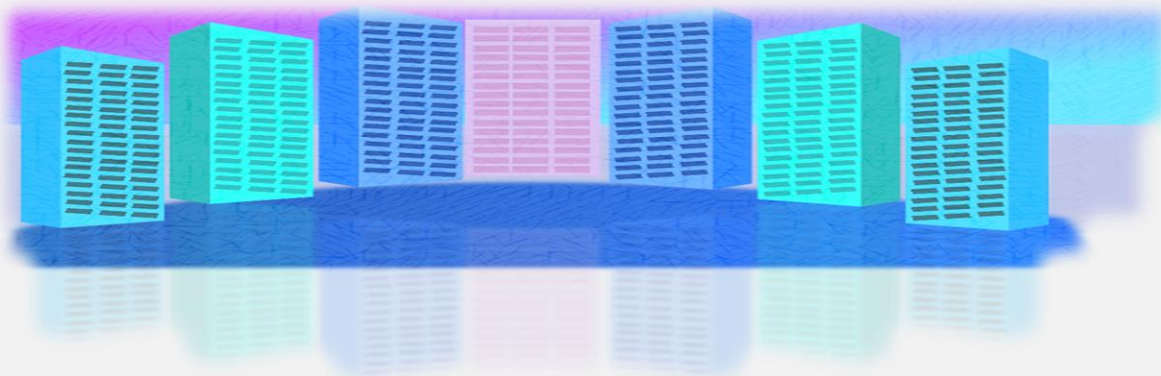
Date of Judgment: 22 November 2018

This application is with respect to a claim by the owner of three (3) commercial units in the condominium housing development, two (2) of which had been leased out to a mini-mart operator (“the Applicant”). The Applicant sought to deter the Management Corporation (“the Respondent”) from preventing members of the public from entering the condominium to patronise the commercial units, including the mini-mart.

Since the start of its operations, the mini-mart was opened to members of the public who had to record the details of their visit and obtain visitor passes at the security post. However, the Respondent had received complaints from the residents about their safety when unknown persons were spotted using the condominium’s facilities. Visitor passes were not returned and the time of leave was also not recorded at the security post. To address these issues, the Respondent subsequently held an Annual General Meeting where an ordinary resolution was passed that the commercial units would only be for residents.

The Board dismissed the Applicant’s claim and held that the Respondent had the power, pursuant to section 29(1)(a) of the Building Maintenance and Strata Management Act, to restrict members of the public from entering the condominium. The Respondent had a duty to control and manage the use of the common property for the benefit of the residents. Further, the Board held that the ordinary resolution stands and was binding on the Applicant as the owner of the commercial units.

The Board emphasised that strata developments are premised on a unique concept of community-based property ownership, and that it is for the subsidiary proprietors to cooperate to enjoy harmonious living at their residential property (see Second Reading Speech by Second Minister for National Development Desmond Lee, *Parliament Report Vol. 94, for Building Maintenance and Strata Management (Amendment) Bill*, 11 September 2017).



SIGNIFICANT CASES – SUPPLY OF AUDIO RECORDING

STB 82 of 2017 (BALESTIER POINT)

Timothy Siah Yang Tek

v

28th Management Council to MCST 1420

Date of Judgment: 5 April 2018

The Applicant sought an order for the Management Corporation (“the Respondent”) to supply a copy of the audio recording of the entire proceedings of the 28th Annual General Meeting (“AGM”) held on 22 July 2017 pursuant to section 47(4) of the Building Maintenance and Strata Management Act (“BMSMA”) which states:

“A person entitled to inspect a document made available under subsection (1)(b) may take extracts from, or make a copy of, the document but may not, without the consent of the management corporation, remove the document from the custody of the management corporation for the purpose of inspecting the document, taking extracts therefrom or making a copy thereof.”

The Respondent contended that section 47(4) of the BMSMA referred only to documents in the written form and not to information in the form of audio recordings or any other medium. The Respondent further contended that its obligations under section 47 of the BMSMA should be guided by the requirements and restrictions in the Personal Data Protection Act (“PDPA”).

The Board found that the purported distinction between “records” and “documents” was artificial, so that the AGM audio recording was logically within the definition of a “document” under section 47(4) of the BMSMA. In addition, the Board found that section 47 of the BMSMA did not, in any manner, contradict the provisions in the PDPA, as information relating to subsidiary proprietors are considered publicly available pursuant to section 17(3) read with Paragraph 1(d) of the Fourth Schedule of the PDPA which states:

“An organisation may disclose personal data about an individual, without the consent of the individual, only in the circumstances and subject to any condition in the Fourth Schedule.”

The Board accordingly ordered the Respondent to supply the Applicant with a copy of the audio recording of the 28th AGM. As there was no prescribed fee for making a copy of the AGM audio recording, the Board also ordered that the Respondent may charge a reasonable fee not exceeding S\$300.



SIGNIFICANT CASES – ACCESS BY MCST TO SUBSIDIARY PROPRIETOR’S UNIT TO CONDUCT MAINTENANCE

STB 6 of 2018 (INTERNATIONAL PLAZA)

The MCST No. 461

v

Lim Lay Peng (Junie)

Date of Judgment: 27 September 2018

The Management Corporation (“the Applicant”) sought an order for the Respondent to allow its agents, representatives or contractors access to the Respondent’s unit for the purpose of carrying out works to replace the existing condenser water supply and condenser water return pipes and elbows (collectively “condenser water pipes”). The Applicant also sought an order to remove all the abandoned pipes and conduits (“the abandoned pipes”).

The cooling tower was directly above the Respondent’s unit on Level 49. The condenser water pipes that were part of the central chilled water air-conditioning system passed through the Respondent’s unit. In particular, the condenser water pipes which provided chilled water to the office units at Levels 18 to 35 passed through the Respondent’s living room.



The Respondent refused entry to the Applicant as the Applicant had the option of diverting the condenser water pipes to the common area instead of through her unit. The Applicant in turn argued that no resolution was passed to divert the condenser water pipes out of the Respondent’s unit at an Extraordinary General Meeting (EGOM) on 7 July 2018. The Board accepted the Applicant’s argument.

The Board also found that the Respondent, in her submissions, did not set out any reason for refusing entry for the purpose of removal of the abandoned pipes, besides the Applicant’s choice to divert the pipes to the common area. Accordingly, the Board ordered the Respondent to allow the Applicant or its contractors access to her unit as the abandoned pipes were defective and if they were not removed, the Respondent may suffer damage and injury.

The Board further ordered that the Applicant should, before commencement of any work, give a written undertaking that any damage caused would be repaired and that the premises would be restored to its original condition after the works were completed.

2019 WORKPLANS

Review of Workflow and Processes

STB will undergo a review of our mediation and arbitration processes. The key objectives are to improve the way STB conducts proceedings and to make the processes more user friendly for both the applicants and respondents. With a better workflow and case management system, this will facilitate the disposal of applications in a more expeditious and efficient manner.

Digitisation

STB will also be converting information in hard copy files into soft copy format. This move away from manual checks and searches will make information easily accessible and located by the Registry's officers.

Digitalisation

As part of STB's transformation through digitalisation, submission of STB applications electronically is in the pipeline. This aims to do away with manual completion and submission of applications in person at STB. This will make it more convenient for both the applicants and respondents and promote productivity at STB.





STRATA TITLES BOARDS

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