

BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT
BUILDING MAINTENANCE AND STRATA MANAGEMENT
(STRATA TITLES BOARD) REGULATIONS 2005

STB No. 89 of 2015

In the matter of an application under **section 101** of the Building Maintenance and Strata Management Act in respect of the development known as **Eunos Mansion** (MCST Plan No. 700)

Between

Cheong Wan Kong & Cheong Yuet Leng

... Applicant(s)

And

Lim Sze Eng & Tan Lay Hoon

... Respondent(s)

Coram: Mr Seng Kwang Boon (Deputy President)
Mr Edwin Choo (Member)
Mr Goh Tiam Lock (Member)

Counsel: i) Ms Teh Ee-Von (Infinitus Law Corporation) for the Applicants
ii) Ms Hui Choon Wai/ Ms Seow Ai Lin (Wee Swee Teow & Co) for the Respondents

GROUNDINGS OF DECISION

1. The Applicants, Cheong Wan Kong and Cheong Yuet Leng, are the subsidiary proprietors of unit #XXX of Eunos Mansion (the “Development”).
2. The Respondents, Lim Sze Eng and Tan Lay Hoon, are the subsidiary proprietors of unit #XXX. They own a total of seven units in the same Development. Lim Sze Eng and Tan Lay Hoon are also, respectively, the chairman and treasurer of MCST Plan No. 700 (the “MCST”)

The Applicants’ Case

3. Zhang Li Xia (“ZLX”), the Applicants’ tenant, reported to the 1st Applicant’s (“CWK”) wife, Tan Siew Chin (“TSC”), that there were serious leakages in the master bedroom toilet in early 2015.

4. A workman, sent by the 1st Respondent, Lim Sze Eng (“LSE”) went to repair the leaks but the leaks did not stop and spread to the ceilings of the master bedroom itself and the kitchen. To-date, the leaks are still present although there were several attempts made to repair them.
5. TSC said she informed LSE, about the leaks in early 2015 when their tenant, ZLX, reported them.
6. Several attempts were made by LSE to repair the leakages but were not successful.
7. Applicants appointed an expert, Bruce James Loggie (“BJL”), in June 2016 to investigate the cause of the leaks.
8. BJL presented two reports which specifically concluded that:-
 - a) the sanitary waste pipes serving the Unit #XXX are not water tight but have failed and caused water seepage to the below Unit #XXX Master Bedroom Bathroom; and
 - b) the waterproofing system to Unit #XXX Master Bathroom has failed and as such, full re-waterproofing works are now required to be carried out to the Unit #XXX Master Bathroom throughout to arrest the current water seepage problem.
9. BJL testified that if there were cracked or broken pipes concealed in the bathroom wall, as alleged by the Respondents, they could, at best, contribute to the water leakages and not the sole cause of the leakages.

The Respondents’ Case

10. LSE said that he was only notified of the leakages in June 2015 and he had promptly arranged for repairs to be done to arrest the problem in both his unit and the Applicants’ unit
11. LSE said that although he had agreed to complete the repairs as recommended by BJL, he disagreed with his findings as his own contractor reported to him that there was nothing wrong with the sanitary pipes and therefore he could not carry out any repairs to non-existent defects. He also disagreed with BJL’s report that the water proofing in his master bedroom toilet had failed.
12. He suggested that the leakages could have come from broken or cracked concealed pipes behind the master bathroom wall and these are common discharge pipes which are within the MCST’s purview. He produced a report from IGM Construction (S) Pte Ltd (“IGM”).

The Board’s Findings

13. The Board considered the IGM “Service Report” produced by the Respondents and BJL’s reports produced by the Applicants.
14. The IGM “Service Report” in one sentence, declared as follows:-

“Finding: Existing Stack Column At Master Bedroom Toilet Detected Concealed Discharge Pipe Breakage Or Cracked Causing Severe Water Ingress To Void Section Of Stack Column At #XXX Master Bedroom Toilet Thus

Causing Water Ponding Within Stack Column And Resulted In Water Seepage To Part Of External Wall And Below Unit #XXX

15. The Board noted that the pipes were concealed and there was no explanation as to how IGM came to the conclusion that there were broken or cracked pipes within. No one from IGM was called to give evidence to substantiate the findings.
16. Even if there were “cracked or broken pipes”, the water ponding, resulting from that, was within the premises of the Respondents and allowed to seep through the failed water proofing of the bathroom floor. The water behind the wall could also have seeped through the tiles on the floor or the wall as there was a shower located nearby.
17. The Board, therefore, does not accept IGM’s report and accepts the 2 reports of building surveyor, BJL.
18. The Board finds that water leaked from the premises of the Respondents’ unit into the Applicants’ unit through the failed water proofing system in the Respondents’ master bedroom toilet and the sanitary pipes serving the Respondents’ unit. The Respondents are therefore responsible for the leakages.
19. The Board orders that the Respondents shall, within 2 weeks from the date of this order, carry out the rectifications and repairs as recommended by BJL in his 2 reports of July 2016 and September 2016.
20. The Board will hear parties on costs and damages.

Dated this 28th day of November 2016

MR SENG KWANG BOON
Deputy President

MR EDWIN CHOO
Member

MR GOH TIAM LOCK
Member