

BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT

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

STB No. 49 of 2018

In the matter of an application under Section 101 of the Building Maintenance and Strata Management Act in respect of the development known as **OLEANAS RESIDENCE** (MCST Plan No. 2526)

Between

- 1) **Ng Li Peng**
- 2) **Lim Ah Kow**

Applicant(s)

And

Chee Teng Yew

Respondent(s)

GROUNDS OF DECISION

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Between

- 1) **Ng Li Peng**
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Applicant(s)

And

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Respondent(s)

24 September 2018
22 October 2018

Coram: Mr Seng Kwang Boon (Deputy President)
Mr Lim Peng Hong (Member)
Mr Ashvinkumar Kantilal (Member)

BACKGROUND

1. The Applicants Ng Li Ping and Lim Ah Kow are the subsidiary proprietors of unit #XXX and #XXX at Oleanas Residence respectively.
2. The Respondent Chee Teng Yew is the subsidiary proprietor of unit #XXX of Oleanas Residence.
3. On the 16th June 2018 at the first mediation session, the Respondent was absent. The Applicants wanted to engage counsel and get a Building Surveyor to inspect the premises.

4. On the 27th August 2018 at the second mediation session, the Applicants and their counsel appeared. The Respondent was absent. All parties had been notified of the date and time of the second mediation session. As the Respondent was absent, the date and time for the arbitration hearing was then fixed on the 24th September 2018 at 11.30am. The Respondent was notified via registered post and courier service on the 27th August 2018 of the hearing date and time.
5. On the 24th September 2018, the Applicants and their counsel appeared for the hearing but the Respondent did not turn up.
6. The Board is satisfied that the Respondent has been duly notified of the arbitration hearing in accordance with the regulation 14 of the Building Maintenance and Strata Management (Strata Titles Boards) Regulations 2005 and accordingly proceeded with the arbitration hearing under Regulation 15 of the said Regulation.

APPLICANTS' RESPECTIVE CASES

7. AW2 (Ng Li Peng) in her AEIC stated that sometime in January 2007, she discovered signs of water seepage on the walls of the bedrooms.
8. The leaks stopped after February 2017 and so AW2 (Ng Li Peng) assumed that the Respondent had rectified the leakage issue.
9. The leaks reappeared one year later in 2018 at the same places. The Respondent denied liability when contacted sometime in February 2018.
10. AW2 (Ng Li Peng) engaged an expert, C.S Lee to investigate and put up a report. AW2 (Ng Li Peng) then filed an application to the Strata Titles Boards ("STB") seeking orders as stated in her application.
11. AW3 (Lim Ah Kow) in his AEIC stated that he agreed with what AW2 had stated in her AEIC. He alleged that the water seepages from the Respondent's unit had found their way into his unit causing damages to his property. He also together with AW2 jointly filed an application to the Strata Titles Boards. AW3 also alleged the loss of rental in his AEIC.
12. AW1 (Lee Cheng Sung) a.k.a C.S Lee in his AEIC stated that he had been engaged by AW2 (Ng Li Peng) and AW3 (Lim Ah Kow) to investigate the leakage and put up a report. He inspected unit #XXX and #XXX on the 15th August 2018 but he did not inspect unit #XXX (The Respondent's unit) as he could not gain access.
13. He inspected both the Applicants' units again on 3rd October 2018 and 10th October 2018 and put up another report marked as "A4".

14. In his opinion, the cause of the water seepage problems into unit #XXX is a burst or leaking water supply pipe belonging to unit #XXX above.
15. In his opinion, the water seepage problems in unit #XXX are related to the water seepage problems at unit #XXX. The root cause of the water seepage problems in unit #XXX and #XXX is the leaking water supply pipe in unit #XXX.

BOARD'S FINDING

16. The Board accepts both the reports of the expert. C.S Lee and finds that the water leakages into the applicants' units ie. Unit #XXX and #XXX originated from the Respondent's unit #XXX and caused damages to both the Applicants' units. **BOARD'S ORDER**
17. The Board orders the Respondent to repair and rectify his unit in accordance with the stated recommendations of the expert in his reports within 3 weeks of this order.
18. The Board also orders the Respondent to rectify and make good damages in unit #XXX and #XXX in accordance with the recommendations stated in the expert's reports within 2 weeks of the completion of the repair and rectification works in his own unit.
19. The Board further orders the Respondent to pay the followings to the Applicants:-
 - i) Legal cost fixed at \$7,000
 - ii) STB Application fees and 2 hearing fees at \$1,100
 - iii) Expert's professional and attendance fees of \$3,100
 - iv) Disbursement of \$1,943.50
20. The Board notes that the advertisement for rental were inserted on 3rd, 4th and 5th October 2018 after the hearing on the 24th September 2018.
21. The Board is not satisfied on a balance of probability, on the evidence adduced by the Applicants, that the 2 units had in fact been uninhabitable and/or un-rentable because of the leakages. The Board therefore, makes no order on this claim.

Mr Seng Kwang Boon
Deputy President

Mr Lim Peng Hong
Member

Mr Ashvinkumar Kantilal
Member

Ms Cheryl Yeo (Circular Law Chambers LLP) for Applicants
Respondent absent