

This Grounds of Decision is subject to final editorial corrections approved by this Strata Titles Board and/or redaction in compliance with prevailing government regulations/rules, for publication in LawNet and/or on the Strata Titles Boards' website.

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

STB No. 35 of 2025

In the matter of an application under Section(s) **101, 103 & 113** of the Building (Strata Management) Act in respect of the development known as **HILLBROOKS CONDOMINIUM** (MCST Plan No. 2523)

Between

**Song Yee Choon and Irvinder Singh**

.. Applicant(s)

And

**The Management Corporation Strata Title Plan No. 2523**

... Respondent(s)

---

**GROUND OF DECISION**

---

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

STB No. 35 of 2025

In the matter of an application under Section(s) **101, 103 & 113** of the Building (Strata Management) Act in respect of the development known as **HILLBROOKS CONDOMINIUM** (MCST Plan No. 2523)

Between

**Song Yee Choon and Irvinder Singh**

.. Applicant(s)

And

**The Management Corporation Strata Title Plan No. 2523**

... Respondent(s)

9 & 10 September 2025

**14 November 2025**

|        |                  |             |
|--------|------------------|-------------|
| Coram: | Mr Alfonso Ang   | (President) |
|        | Mr Tan Kian Hoon | (Member)    |
|        | Mdm Monica Neo   | (Member)    |

**INTRODUCTION**

1. The Applicants, Song Yee Choon and Irvinder Singh are subsidiary proprietors (“SP”) of XX Hillview Avenue, #XX-XX, Hillbrooks, Singapore 669610. The Respondent is the Management Corporation Strata Title Plan No. 2523 (the “MCST”) of Hillbrooks Condominium.

2. The Applicants sought the following orders against the Respondent:

- a. Prayer 1: To invalidate item 15.1 of the 21st AGM of MCST 2523, held on 28th July 2024, The Personal Resolution - Private Motion to put up by Judy Koh (Blk XX, #XX-XX), Seconded by: Isaac Tan (Blk XX, #XX-XX). Resolution to grant reimbursement of \$44,931.95 from MCST funds that were incurred between March to August 2022 by two SPs (Judy Koh and Isaac Tan) on behalf of fellow SPs against the initial 19th Council of MCST 2523. The Resolution states:

*Resolution to grant reimbursement of \$44,931.95 from MCST fund that were incurred between March to August 2022 by two SPs (Judy Koh and Isaac Tan) in STB cases 19 and 23 in the year 2022 on behalf of fellow SPs against the in46+50itial (sic) 19<sup>th</sup> Council of MCST 2523. The objectives of STB cases 19 (which was subsequently merged with STB 23) and 23*

- b. Prayer 2: To release information and/or documents requested by SPs set out in the emails from 3 October, including:

- (a) Audio record of the 21st AGM (held on 28th July 2024);
  - (b) Audio record of the 20th AGM (held on 26th November 2023);
  - (c) Audio record of the EOGM (held on 21st August 2022); and
  - (d) The voting results of the 21st August 2022 EOGM
- (hereinafter collectively referred to as “**Requested Documents**”)

## BACKGROUND

3. In the 2021 Annual General Meeting (the “**2021 AGM**”), which was held via Zoom during the COVID pandemic, the Management Corporation at the time proposed a Special Resolution for Lift Modernisation (the “**Lift Modernisation Resolution**”).
4. The Lift Modernisation Resolution, was to empower the Management Corporation to review and approve a contract for lift modernisation for a sum not exceeding \$700,000.00.
5. On 21 February 2022, Judy Koh (“**Judy**”) and Ang Kok Leong as SPs filed STB 19 of 2022 (“**STB 19**”) against Mun Kok Leong, who was the chairperson of the 18<sup>th</sup> MCST

Council. They claimed that Mun Kok Leong made all Management Corporation decisions by himself which was not proper.

6. STB 19 was also brought to invalidate the Lift Modernisation Resolution passed during the 2021 AGM and to enable the re-election for the 19<sup>th</sup> MCST Council.
7. On 11 March 2022, Tan Swee Kwang (“**Isaac**”) and co-owner Seow Khim Har as SPs filed STB 23 of 2022 (“**STB 23**”) against the 19<sup>th</sup> MCST Council. STB 23 was brought, among others, to convene a general meeting to re-elect the 19<sup>th</sup> MCST Council and also to revoke the Lift Modernisation Resolution.
8. On 11 May 2022, Judy withdrew STB 19 citing the reason that “*a similar contention was filed by fellow SP against MC*”. No order was sought for costs against the Respondent when STB 19 was withdrawn.
9. After the mediation in STB 23 on 26 May 2022, Judy and Isaac, being unable to resolve the matter, engaged Legal Solutions LLC.
10. On 1 July 2022, Isaac substituted Judy as an applicant in STB 23, and removed his co-owner Seow Khim Har as an applicant.
11. STB 23 was withdrawn on 29 August 2022 as the parties resolved the matter without going without the need for a hearing. Again, there was no order for costs was sought nor made against the Respondent.
12. In the 20<sup>th</sup> AGM held on 26<sup>th</sup> November 2023, Judy moved a private motion, seconded by Isaac, to approve reimbursement of S\$44,931.95 from MCST fund for application fees and legal fees paid by Judy and Isaac to a law firm that were incurred for STB 19 and STB 23. According to the Applicants, this motion was presented as a special resolution, and failed for want of the requisite special resolution votes.
13. In the 21<sup>st</sup> AGM held on 28<sup>th</sup> July 2024, there was another private motion put up by Judy, seconded by Isaac, to grant reimbursement of the said S\$44,931.95 to them. This time, the motion was presented as an ordinary resolution, and was passed.

14. According to the Applicants, they had also repeatedly requested the Management Corporation for documents and information, which the Management Corporation refused to provide. These included the following:
  - c. The audio recording of the 2024 AGM;
  - d. The audio recording of the 2023 AGM;
  - e. The audio recording of the EOGM held on 21 August 2022;
  - f. The voting results of the EOGM held on 21 August 2022 (who voted which way)
  - g. Lift maintenance contracts and quotation, and on what basis the decision was made.
15. Following the above, on 2 May 2025, the Applicants submitted an application for an order dated 2 May 2025 under Sections 101, 103 and 113 of the then Building Maintenance and Strata Management Act (the “**BMSMA**”), which resulted in this current matter.

## **PRAYER 1**

16. In relation to prayer 1, the Board notes that the resolution stated that the legal fees of S\$44,931.95 was intended to be for both STB 19 and STB 23. Judy however, clarified during cross-examination that the legal fees for the reimbursement concerns only STB 23.
17. In first addressing the legal fees paid to a law firm of S\$43,931.95, the Board finds it fatal that these legal fees were incurred only for STB 23, yet the resolution was tabled as being intended for both STB 19 and STB 23.
18. Nothing in relation to the reimbursement of the legal fees of S\$43,931.95 was in respect of STB 19. In that regard, the voters were misled or were under the misapprehension that the legal fees were for two separate matters. The voters were therefore misrepresented on the nature and scope of the resolution itself. In the Board’s view, this discrepancy alone is sufficient to invalidate the resolution,
19. The next issue that the Board considers is whether monies in the management fund can be used to reimburse subsidiary proprietors for such a matter. Having reviewed the Parties’ closing submissions on this issue, the Board finds that there is nothing in the BSMA or any

other written law that even allows the subsidiary proprietors to approve the resolution to reimburse the fees of S\$931.95 to begin with.

20. Sections 38(3) and 38(6) made it clear that a management corporation must not disburse any moneys from its management fund and sinking fund other than for specific purposes. These are listed herein:

*(3) A management corporation must not disburse any moneys from its management fund other than for the purpose of —*

- (a) meeting its liabilities referred to in section 39(1);*
- (b) carrying out its powers, authorities, duties or functions under this Act;*
- (c) transferring moneys therein not required to meet the liabilities of the management fund to the sinking fund.*

*(6) A management corporation must not disburse any moneys from its sinking fund other than for the purpose of —*

- (a) meeting its liabilities mentioned in section 39(2); or*
- (b) carrying out its powers, authorities, duties or functions under this Act.*

21. Even considering the wide, convenient catch-all phrase of “carrying out its powers, authorities, duties or functions under this Act” in both of these subsections, as advanced by the Respondent, the Board is unable to find justification in any capacity that paying legal fees to someone who is suing other subsidiary proprietors and/or the management corporation falls under this category.
22. The Respondent’s main point in the Opening Statement of 5 September 2025 as well as the Respondent’s Closing Submissions is that Section 29(1)(a) and (b) BSMA require the MCST to “control, manage and administer the common property for the benefit of all subsidiary proprietors” and also “to properly maintain and keep in a state of good and serviceable repair ... the common property”. The Respondent justification was that the challenging of the Lift Modernisation Resolution falls within such benefits of the MCST.
23. The legal fees were incurred in the personal capacities of Judy and Isaac. The Respondent in its Closing Submissions failed to show that there was benefit for all subsidiary proprietors for Judy and Isaac to be reimbursed in their personal capacities. If at all, the

Respondent only attempted to show that the legal fees themselves were incurred for the benefit of all subsidiary proprietors as it challenged the Lift Modernisation.

24. It is true that Section 29(2)(b) of the BSMA empowers the MCST to “*do all things reasonably necessary for the performance of its duties under this Part...*” However, even assuming the Respondent is correct in its interpretation that challenging the Lift Modernisation Resolution is beneficial to the MCST as a whole, this does not extend to reimbursing a party who also happens to be challenging the Lift Modernisation Resolution in their personal capacities.
25. The Respondent also emphasised that the SPs have passed an ordinary resolution during the 21<sup>st</sup> AGM and recognised that the fees are seen as the MCST’s expenses. During the cross-examination of Judy, she has also clarified that the majority of the SPs’ understanding was that she will be reimbursed from the MCST’s funds. She said that many subsidiary proprietors approached her and said that they were willing to contribute to the legal costs more so specifically for the fees incurred in STB 23. Although she understood that the contribution would come from their personal account she believed that eventually they would have to decide by a vote as to reimbursement using MCST funds.
26. However, the Board finds that SPs’ understanding is irrelevant in the sense that just because all the SPs voted in favour of reimbursement with the understanding that the reimbursement shall come from MCST’s own fund, it does not give the MCST the entitlement to disburse an amount it is legally not entitled to disburse.
27. On that note, regardless of whether the private resolution in the 21<sup>st</sup> AGM was made through ordinary resolution or special resolution, it makes no difference, as such disbursement was not allowed by law to begin with.
28. The Board is not convinced that the resolution approving the reimbursement of the legal fees incurred by Judy and Issac is valid.
29. Accordingly, the Board finds that Prayer 1 is allowed, and the resolution is thereby invalidated.

**PRAYER 2**

30. In relation to Prayer 2, the Board finds that it has the power vested under Section 113 of the BSMA, read together with Sections 47(1)(b)(viii) and 88(1) of BSMA, to order the release of the Requested Documents.
31. It is true that the Applicants' Song Yee Choon's email dated 20 July 2024 shows that the Applicants' request for seeking the Requested Documents is partially for litigation purposes, more specifically "to consult Lawyer if we can sue Ms Judy and Isaac or MA (Knight Frank)" (sic).
32. However, in this STB 35 of 2025, this was not cited as the reason for the Applicants' request. When filing the Applicants' Form 8, the Applicants made it explicit *inter alia* that "The reason we are now requesting for the vote in the 2022 EOGM is because I have strong reasons to believe there was a miscounting of the votes" (sic). The Applicants' Submissions also provided that there are, on the face of it, indication of unreliability when it comes to the impartiality and accuracy of the minutes concerned.
33. In paragraph 18 of the Respondent's opening statement, the Respondent also cited STB 39 of 2014 as follows:
- In the unreported decision of STB 39 of 2014, the STB previously decided that management corporations do not need to make available for inspection records and documents which are intended to be used in other proceedings. In that case, the applicant had asked for records and documents, citing the reason that these were vital to aid himself in other proceedings. The STB held that to allow the applicant the information would be an abuse of process as the applicant had clearly stated that he intended to have the information mainly for the purpose of litigation. As there are no published grounds of decision, a case update by Lee & Lee (who acted for the respondent) is exhibited at **Annex 4**. (Emphasis ours)*
34. The Board would like to address the Respondent's reliance on STB 39 of 2014.
35. The Board provides herewith the brief facts of STB 39 of 2014. The applicant of STB 39 of 2014 was a male owner of the property who sought various information from the management corporation. The other owner was the applicant's wife, who intervened and objected to such information being given. The applicant and the intervener were in the midst

of an acrimonious divorce proceedings and the divorce was still pending before the High Court.

36. The applicant requested for surveillance information such as logbook copies, video footage, and fingerprint access to the unit as these were vital to his defence against the intervener's allegation in the divorce proceedings. The intervener objected on the basis that this would be an abuse of process, and that these were confidential information relating to the intervener's privacy.
37. The Board finds that the Respondent's reliance on STB 39 of 2014 is inapplicable to the facts in the present case.
38. The information requested in STB 39 of 2014 which were rejected did not fall within the ambit of the BSMA, and the BSMA did not require the MCST to supply, *inter alia*, logbook copies, video footage and fingerprint access. The information sought by the applicant is not of a general nature concerning the management and maintenance of the development, it would accordingly be an abuse of process to allow the release of the same. The applicant should have used the proper discovery processes available in divorce proceedings for those types of information. The Respondent has missed this crucial distinguishing point in its reliance on STB 39 of 2014.
39. Crucially, in STB 39 of 2014 itself, there were also information allowed to be released to the applicant, including *inter alia* the list of management council members and addresses, copies of by-laws and amendments, copies of the agendas and minutes of all general meetings/management council meetings, copies of all documents relating to nominations for election of all individuals to members of management council, etc. These were information covered under the BSMA, and the board allowed them accordingly as the applicant was entitled to the same as of right.
40. The Board is satisfied that in the present matter, the Requested Documents fall within the ambit of the BSMA, and the Applicants are entitled to them as of right subject to the payment of the prescribed fees.
41. The Board also acknowledges the Applicants' point that during the cross-examination, one of the Respondent's witnesses, Chang Wai Fun, Evelyn has admitted that the current

managing agent has a checklist that they had maintained to show the documents they had received from the previous managing agent.

42. Having considered the above, the Board allows Prayer 2. Accordingly, the Board orders that the Respondent provide the Requested Documents (if they exist) to the Applicants on the payment of the prescribed fees.
43. The Board also orders that the Respondent provide the Applicants with a confirmation in writing if the Requested Documents do not now exist.

#### **BOARD'S DECISION**

44. For the reasons above, the Board allows the Applicants' application for Prayer 1 and Prayer 2.
45. The Board will hear the Parties on the issue of costs.

Dated this 14th day of November 2025

---

Mr. Alfonso Ang  
President

---

Mr. Tan Kian Hoon  
Member

---

Mdm Monica Neo  
Member

Mr Muhammad Hasif (M/s A.W. Law LLC) for the Applicants  
Mr Kevin Kwek & Ms Charmaine Ong (M/s Legal Solutions LLC) for the Respondent