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BUILDING (STRATA MANAGEMENT) ACT

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

STB No. 4 of 2026

In the matter of an application under section 101(1)(c), 102(2), 102(5) & 113 of the Building (Strata Management) Act in respect of the development known as **Binjai Crest** (MCST Plan No. 2937)

Between

Tay Jia Sheng

... Applicant

And

MCST Plan No. 2937

... Respondent

GROUND OF DECISION

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6 July 2026

4 August 2026

Coram: Mr Raymond Lye (Deputy President)

Mr Chan Kim Mun (Member)

Ms Alli Ruthirapathi (Member)

I. INTRODUCTION

1. The applicant, Mr Tay Jia Sheng, is a subsidiary proprietor of unit xxx in the development known as Binjai Crest (the “**Applicant**”). The Applicant is represented by Mr Daniel Loh of BR Law Corporation. The respondent is the Management Corporation Strata Title Plan No. 2937 of Binjai Crest (the “**MCST**”). The MCST is represented by Mr Zero Geraldo Mario Nalpon of Nalpon & Co, who is also the

MCST's chairperson. These proceedings were initiated by way of Form 8 dated 11 January 2026 filed by the Applicant.

II. BACKGROUND

2. The Applicant has stayed in Binjai Crest for the past seven years. Following a dispute between the parties regarding the construction of a structure on the Applicant's property, a complaint was lodged against the Applicant by a former council member of the MCST. This complaint was lodged using personal information of the Applicant that was allegedly obtained in breach of confidentiality. The Applicant now seeks four orders against the MCST, which were amended in an interlocutory application dated 25 May 2026.
3. First, the Applicant requested a series of documents, which range from 2021 to present day, to be provided within seven days. Secondly, he requested that a security barrier ("**Barrier 2**") installed on the common property at the main entrance of Binjai Crest be removed as it was installed without a special resolution. Thirdly, he has requested the rectification of defects in the common property lighting. Finally, he has requested the MCST to comply with the statutory display of Council minutes, specifically, to post finalised and signed-off minutes and not draft minutes.

III. CLAIMS BY THE APPLICANT

(A) *ORDER 1: ON THE APPLICANT'S REQUEST FOR DOCUMENTS*

4. The Applicant has requested five general categories of documents:
 - a. First, the minutes, agendas, attendance lists, and attachments of all Management Council meetings relating to (a) from 1 January 2025 to 31 December 2025, almost all documents related to Barrier 2; (b) from 1 January 2021 to present date, any proposal or discussion to use MCST funds regarding legal fees in litigation involving subsidiary proprietors; (c) from 1 January 2021 to the present date, any matter relating to any actual, potential or contemplated proceedings against any subsidiary proprietor, including the Applicant and his unit at xxxxxxxxxxxxxx, STB 95 of 2025 and STB 120 of 2025;
 - b. Secondly, from 1 January 2025 to 31 December 2025, generally all documents relating to Barrier 2 and associated works;
 - c. Thirdly, from 1 January 2021 to the present date, the MCST's audited financial statements, auditor's report and all supporting records evidencing expenditure for Barrier 2 and associated works;
 - d. Fourthly, all records evidencing the authorisation, engagement, procurement, and payment of the MCST funds in connection with STB 95 of 2025, STB 120 of 2025 and any other court/tribunal/complaint proceedings from 1 January 2023 to the present date; and

- e. Finally, from 1 January 2021 to the present day, any conflict-of-interest declarations, registers, recusals, and minute entries relating to decisions and expenditures for Barrier 2, and the engagement of legal/professional vendors and/or the disclosure or release of MCST or Managing Agent-held correspondence or records to any subsidiary proprietor for use in any proceedings.
5. The Applicant has requested all these documents to be furnished within seven days.¹ In response, the MCST has denied his request on the grounds of lack of particularity and that it is incumbent on the Applicant to specify which document he desires.²
6. The request for documents is grounded in s 47(1)(b) of the Building (Strata Management) Act 2004 (“**BMSA**”), which empowers subsidiary proprietors to request for any document within the custody and control of the MCST. It is well recognised that s 47 is worded broadly, and that there is no requirement to provide reasons or for relevancy to be established for a subsidiary proprietor to request documents.³ This is evident on the plain wording of s 47(1)(b). Therefore, the MCST has no discretion to refuse to provide documents. However, the MCST has discretion as to how it ought to release the documents: this is evident from the qualification to making documents available for inspection, where it states that the documents may be made available “at such time and place as may be agreed upon by the applicant or the applicant’s agent and the management corporation and, **failing agreement, at the subdivided building at a time and on a date fixed by the management corporation...**” (emphasis added). While the MCST cannot decline to provide the documents, it can decide how and when to provide such documents, absent an agreement. The MCST is accorded a wide discretion as to how to do so, as long as this does not infringe on the subsidiary proprietor’s right to information. Presumably, this is to ensure that one subsidiary proprietor’s request for information does not infringe on the MCST’s capabilities to carry out its duties in its normal course of work.
7. The Board now turns to which documents must be provided. On the question of particularity, the Applicant seeks to claim that there is sufficient particularity in Order 1 by comparing it to the orders in the District Court case of *Cheong Yoke Ling @ Zhang Yuling and another v Management Corporation Strata Title Plan No 508 and others* [2020] SGDC 295 (“**Cheong Yoke Ling**”). While there were nine categories of documents in *Cheong Yoke Ling*, most of them clearly indicated the specific document requested, such as book-keeping records, all accounts payable and expenses, all communications between the MCST and 98 Construction Pte Ltd, all communications between the MCST and Singapore Accounting and Business Services Pte Ltd, all council minutes, insurance policies, strata roll, and all documents exchanged between

¹ Interlocutory Application dated 25 May 2026 at p 6.

² Respondent’s Closing Submissions at [3].

³ *Cheong Yoke Ling @ Zhang Yuling and another v Management Corporation Strata Title Plan No 508 and others* [2020] SGDC 295 at [84].

the MCST and the SCDF relating to the unauthorised fixtures. There was only one category of documents that required the MCST to look for documents pertaining specifically to a certain matter: invoices for which the MCST had claimed reimbursement from the applicants.

8. Conversely, the Applicant at present, in his first category, has already requested the MCST to look through all its minutes, agendas, attendance lists, and attachments of meetings to provide him with only those pertaining to Barrier 2, MCST funds, and matters relating to him. This continues into other categories, where the third category requires the MCST to go through all its financial statements to provide the Applicant with only those related to Barrier 2; the fourth category asks for the MCST's records evidencing the use of MCST funds specifically pertaining to certain STB cases and disputes with subsidiary proprietors; and the fifth category asks for conflict-of-interests declarations, registers, recusals minute entries relating to Barrier 2 and the engagement of legal/professionals vendors.⁴ This is in contrast to *Cheong Yoke Ling*, where the applicant there had requested all the documents of a particular nature, through which he could identify those beneficial for him.
9. The Board is of the view that, in effect, the Applicant, instead of specifying which documents he wants, he is asking the MCST to review the documents for him and provide him with documents that they deem relevant on his behalf, without knowing the purpose for which he will be using these documents. This is not the MCST's obligation under s 47. Under s 47, the MCST is merely obligated to make requested documents available for inspection, not to assess documents based on their contents. Instead, if the Applicant seeks to do so himself, the MCST should supply the documents at an agreed time and place and let the Applicant undertake the process on his own accord. Indeed, the Applicant's counsel has recognised in cross-examination that it might be helpful for the Applicant to sieve through the documents on his own, rather than have the MCST do so.⁵
10. Even so, in *Cheong Yoke Ling*, the Judge required the MCST to allow the applicants to inspect the documents no later than 21 days.⁶ The Applicant has requested the documents within 7 days, despite the more onerous requirements placed on the MCST. It is unlikely that the MCST would be able to organise the said documents in time.
11. The Board is of the view that the MCST is obliged to make available for inspection upon payment of the prescribed fees under s 47(1)(b) of the BSMA:

⁴ *Cheong Yoke Ling @ Zhang Yuling and another v Management Corporation Strata Title Plan No 508 and others* [2020] SGDC 295 at [87].

⁵ Afternoon Transcript 2 at p 6. See also Applicant's Written Submissions at [21]

⁶ *Cheong Yoke Ling @ Zhang Yuling and another v Management Corporation Strata Title Plan No 508 and others* [2020] SGDC 295 at [95].

- a. From 1 January 2021 to the present date, all meeting minutes, agendas, attendance lists, and attachments of all Management Council meetings;
 - b. From 1 January 2025 to 31 December 2025, all resolutions, approvals, correspondence, written instructions to the Managing Agent, quotations, comparative quote/tender documents, contracts, purchase orders, invoices, payment vouchers, proof of payment, completion documents, warranty documents, and maintenance agreements relating to Barrier 2;
 - c. From 1 January 2021 to the present date, the MCST's audited financial statements, together with the auditor's report;
 - d. From 1 January 2021 to the present date, all documents and correspondences relating to Barrier 2 and associated works, including invoices, contracts, payment vouchers, and related approvals;
 - e. All records evidencing the authorisation, procurement, and payment of MCST funds within the past 36 months.
12. In light of the large number of documents, and the time that the Applicant needs to take to sieve through them, upon consideration of the facts, the Board is of the view that the MCST should under s 47(1)(b) make available to the Applicant access to all the documents within the scope of the request for a 30-day period, and the Applicant may, pursuant to s 47(4) of the BMSA, identify the documents he seeks and take extracts from or make a copy of the said documents upon payment of a fee (if prescribed) as required.

(B) ORDER 2: ON BARRIER 2

13. The Applicant seeks the removal of Barrier 2, a security barrier installed on common property, on the grounds that there was no special resolution by the subsidiary proprietors to approve its placement. This is grounded in s 29 of the BMSA. Under s 29(1)(a) of the BMSA, the MCST is empowered to “control, manage and administer the common property for the benefit of all the subsidiary proprietors constituting the management corporation”, while in s 29(1)(d), the MCST can erect a structure on common property when directed by a special resolution.
14. Under s 29(1)(d), the MCST must, when so directed by a special resolution, install, erect or add to a structure on the common property, **for the purpose of improving or enhancing the common property (emphasis added)**. However, the statutory wording does not limit the MCST from carrying out actions to control, manage or administer the common property. Notwithstanding, the Board takes the view that the difference between the two provisions turns on the nature of the activity: If the activity is one that improves the common property, then it falls within s 29(1)(d) and requires a special resolution, but if it is one that is part of the management corporation's duty to control, manage and administer the common property, it falls within s 29(1)(a).

15. The Board is accordingly of the view that the inquiry does not turn on whether Barrier 2 is movable or not, but on whether the structure was erected for the purpose to “control, manage and administer the common property”, or for the purposes of “improving and enhancing the common property”. This interpretation removes the arbitrariness of categorising objects as movable or as structures, and also serves to better balance the management corporation’s freedom to maintain the common property with the subsidiary proprietors’ rights to request that a structure be built on the property for its improvement. The MCST is not required to seek a special resolution for the former, but the latter requires a special resolution.
16. The Board’s prior jurisprudence provides some guidance as to when the management corporation is considered to be “administering common property”. In *Ganges Portfolio Pte Ltd v MCST No. 599* STB No. 92 of 2008 (“*Ganges*”), the inquiry surrounded a large security counter that could not be relocated elsewhere due to space constraints.⁷ The Board held that this fell within the management corporation’s duties under s 29(1)(a) but ordered that the size of the security counter to be shrunk and relocated.⁸ Further, in *Anne Lee Heng t/a Tian Hup Chan Warehousing v The MCST Plan No 1360* STB No. 44 of 2010 (“*Anne Lee*”), the applicant complained that the positioning of security guards in the lift lobby interfered with the deliveries and the loading and unloading of goods to her unit.⁹ The Board held that under s 29(1)(a), it is the duty of the management corporation to control, manage, and administer the common property for the benefit of all the subsidiary proprietors, and this includes positioning security guards at the best vantage point for the monitoring activities at the building.¹⁰
17. Conversely, under s 29(1)(d), making improvements to the common property would ordinarily result in adding to or upgrading the property in some physical way.¹¹ The Board finds that the erection of Barrier 2 falls within the ambit of s 29(1)(a) as it does not add to or upgrade the property, but instead, is just a change in the method of administering security in the property. It is by the Applicant’s own admission that the erection of Barrier 2 reduced the number of security guards from two to one during the night, as the intercom at Barrier 2 can be used to contact the security service provider’s command centre, which will lift the barriers to let vehicles through when the security guard is away from his post.¹² This is consistent with the MCST’s position that the installation of Barrier 2 was intended to reduce costs, allowing them to save around \$30,000 annually, and is in line with the MCST’s claim that the installation was done by the security contractor, was installed alongside additional technology inclusive of additional CCTV cameras, and is owned and operated by the Security Contractor.¹³ The

⁷ *Ganges Portfolio Pte Ltd v MCST No. 599* STB No. 92 of 2008 at [18], [27].

⁸ *Ganges Portfolio Pte Ltd v MCST No. 599* STB No. 92 of 2008 at [51].

⁹ *Anne Lee Heng t/a Tian Hup Chan Warehousing v The MCST Plan No 1360* STB No. 44 of 2010 at [32].

¹⁰ *Anne Lee Heng t/a Tian Hup Chan Warehousing v The MCST Plan No 1360* STB No. 44 of 2010 at [34].

¹¹ Teo Keang Sood “Disposal of common property in strata schemes” [2018] SJLS 85 at 88.

¹² Applicant’s Affidavit Evidence-in-Chief at [43].

¹³ Respondents’ Closing Submission at [28].

installation of Barrier 2 is not an expenditure that yields no financial returns for the estate, but rather one that ultimately allows the MCST to save costs in the future. Much like *Anne Lee*, this goes to show that the reallocation of security is a matter for the MCST to decide under their management and administration of the common property, rather than as an improvement to the common property.

18. For completeness, the Board now turns to the Applicant's line of argument of difference between a structure and a movable object. While the Applicant seeks to delineate the two by relying on the phrase "locate and place",¹⁴ it is apt to note that the items outlined in *Ganges*, such as Bank ATM cash dispensers, post boxes, lightings, and signboards, are also things that require installation and erection on the common property. The MCST has stated that Barrier 2 can be easily removed and that the Security Contractor will remove it at the end of its contract. If so, the Board finds that Barrier 2 is akin to items such as a Bank ATM cash dispenser that is secured to its location and can be moved/removed with the necessary equipment.
19. Further, the Board is of the view that there is no evidence that the Applicant's rights are materially prejudiced. While the Applicant asserts that some visitors are uncertain about what to do, resulting in delays and queues forming, there is no evidence to support this.¹⁵ Neither is there evidence that remote communication would pose in a real security risk.¹⁶ The Applicant claims that absent a guard physically on-site, it would be impossible to verify if a visitor is a genuine visitor or unwelcome personnel, but again, there is no elaboration on how the two systems would differ in terms of security.¹⁷

(C) ORDER 3: ON THE LIGHTS

20. The Applicant has requested the MCST to fix the lights in the estate, claiming that there is a "systemic and persistent state of defective lightings in Binjai Crest". The Board notes that despite the Respondent's attempt to present photographs taken of Binjai Crest on 18 March 2026¹⁸ as evidence that all the lighting has been rectified and now in good working order following the recent repair and repainting exercise, the Applicant, during the hearing on 6 July 2026, could still point out the defective lighting. In fact, the MCST's witness, Mr Braberry, admitted on the stand that it is not simply an issue of changing bulbs.
21. The Board is not convinced that all the common property lighting is in good working condition as presented by the Respondent and takes the view that as part of its duty under s 29(1) of the BMSA to manage the common property, the MCST is obliged to inspect the lighting in the common property and rectify all the defective lights.

¹⁴ Applicant's Closing Submissions at [30].

¹⁵ Applicant's Affidavit Evidence-in-Chief at [44].

¹⁶ Applicant's Affidavit Evidence-in-Chief at [46].

¹⁷ Applicant's Affidavit Evidence-in-Chief at [46].

¹⁸ AEIC of Braberry Michael Christopher, 57B pages 1 to 6

(D) ORDER 4: ON THE PUBLISHING OF MEETING MINUTES

22. The Applicant has sought an order for compliance of the posting of meeting minutes. He submits that the MCST has not proven that it has complied with the relevant requirements and “it will be hard to believe that the MCST has always complied with regulations”. In the alternative, he submits that the finalised and signed-off minutes should be posted instead of draft minutes.¹⁹
23. On the Applicant’s first argument, it is apt to note that the burden of proof rests on the Applicant, who seeks to assert a breach on the part of the MCST.²⁰ While the Board is not strictly bound by the Evidence Act,²¹ there should nonetheless be some “legal standard of persuasion” that an applicant should meet to convince the Board that an order should be made in its favour, having regard to the legal and evidential burdens that parties to civil proceedings should have.²² The Evidence Act is therefore a good starting point.²³
24. The Applicant cannot rely on the fact that the MCST’s evidence is insufficient to show that the MCST breached its obligations to publish meeting minutes. In fact, the Applicant has recognised, when being cross-examined on the stand, that “[he has] photos of the minutes on a notice board, which really state draft...”.²⁴ Since the Applicant recognises that the minutes have in fact been posted on the notice board, the real inquiry is not whether the minutes have been posted, but whether draft minutes would suffice for the MCST’s obligation to post meeting minutes.
25. This turns to the Applicant’s second argument. The obligation to post meeting minutes is found in paragraph 3 of the Second Schedule to the BMSA, which obligates that the MCST maintain a display board and display on the notice board “a copy of the minutes of a general meeting of the management corporation or subsidiary management corporation not later than the 45th day after the general meeting”. There is no express legislative requirement that the meeting minutes must be finalised and signed-off minutes, or that the meeting minutes cannot be draft minutes. In fact, reading the BMSA in its entirety reveals that the meeting minutes are required to be draft meeting minutes, and not finalised ones, as they must be confirmed at the **next** meeting of the management corporation.
26. This is outlined in s 56(a) of the BMSA, which is replicated below:

¹⁹ Applicant’s Closing Submissions at [41]

²⁰ Evidence Act s 104.

²¹ *The Management Corporation Strata Title Plan No. 4407 v Lin Meiyi Sophia* STB No. 45 of 2021 at [19].

²² *The Management Corporation Strata Title Plan No. 4407 v Lin Meiyi Sophia* STB No. 45 of 2021 at [8], [20].

²³ *The Management Corporation Strata Title Plan No. 4407 v Lin Meiyi Sophia* STB No. 45 of 2021 at [20].

²⁴ Morning Transcript, p 47.

“56. The duties of the secretary of the council of a management corporation include the following:

- (a) to prepare and distribute minutes of meetings of the management corporation and **submit a motion for confirmation of the minutes of any meeting of the management corporation at the next such meeting; ...**” (emphasis added)

27. It is clear that the duty of the secretary is not just to prepare and post meeting minutes, but to submit a motion for confirmation of the minutes at the next meeting. In effect, the minutes must remain a draft until the next meeting, and the finalised and signed-off minutes cannot be posted as this would violate the statutory requirements. In conclusion, the Board finds that the Respondent has not breached its statutory obligation to post the minutes.

IV. BOARD’S DECISION

28. For the reasons above, and balancing the interests of the Applicant as well as the workload of the Respondent in carrying out its obligations, the Board orders the MCST, on payment of the prescribed fee, to make available to the Applicant within 21 days, access to all the documents within the scope of the request under the Applicant’s Prayer 1 for a 30-day period, and the Applicant shall identify the documents he seeks and be allowed to take extracts from or make a copy of the documents upon payment of a fee (if prescribed).
29. The Board also allows the Applicant’s application for Prayer 3 and orders the Respondent to inspect the lighting in the common property and rectify all the defective lighting as part of its continuing obligation to properly manage & administer common property.
30. The Board dismisses Prayer 2 on Barrier 2, and Prayer 4 on the posting of the minutes of meetings, on the grounds that there has been no breach by the Respondent.
31. On the question of costs, while neither party entirely succeeded on Order 1, the Respondent successfully defended Orders 2 and 4, and the Applicant succeeded on Order 3. On balance the Board therefore orders the Applicant to pay the Respondent costs of \$8,000, inclusive of the sum of \$2,000 for the Interlocutory application, all in.

32. The Board would like to acknowledge and thank the young amicus curie, Janae Kwan Rae Yann, for her diligent research and insight. She has been a great assistance to the Board.

Dated this 4th day of August 2026

MR RAYMOND LYE
Deputy President

MR CHAN KIM MUN
Member

MS ALLI RUTHIRAPATHI
Member

Daniel Loh (M/s BR Law Corporation) for the Applicant
Zero Nalpon (M/s Nalpon & Company) for the Respondent
Janae Kwan Rae Yann as young amicus curiae