

BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT

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

STB No. 5 of 2009

In the matter of an application under section
101 of the Building Maintenance and Strata
Management Act in respect of the development
known as **Global Ville** (MCST Plan No. 2849)

Between

William Tan Chee How/ Ng Chye Pin

... Applicant(s)

And

Lam Yee Shen/ Teo Sai Choo

... Respondent(s)

Coram: Mr Seng Kwang Boon
Dy. President

Panel Members: Mr Chua Koon Hoe
Mr Lee Keh Sai

Counsel: Mr Koh Kia Jeng (Rodyk & Davidson LLP) for the Applicants
Mr M. Ravi / Ms L.F. Violet Netto (L.F. Violet Netto) for the Respondents

GROUND OF DECISION

1. The Applicants are William Tan Chee How and Ng Chye Pin. They are the subsidiary proprietors of unit #XXX, 20 Jalan Rajah Udang, Global Ville, Singapore. They reside there.

2. The Respondents are Lam Yee Sheng and Teo Sai Choo. They are the subsidiary proprietors of unit #XXX of the same development and are directly above the Applicants' unit. They do not reside there. Their unit had been tenanted out.

APPLICANTS' CASE

3. Applicants said sometime in November 2006, they noticed water patches on the ceiling of their master bedroom toilet. The Applicants were unable to contact the

Respondents and as the Applicant, William Tan Chee How's sister was getting married, he undertook to repair the leakage himself. He engaged Hydroproof Roofing Specialist to pressure grout his ceiling. This was around December 2006. Applicants said that there were no more leakages after the said grouting until February 2008 when the leakages started again.

4. Applicants then engaged one Chin Cheong, a chartered Building Surveyor to survey his unit and put up a report.

5. Chin Cheong's report stated that he found two active water leakage locations. First one was at the ceiling of the master bedroom. The second location was at the soffit of the concrete slabs above the inspecting access panels and the soffit of the concrete slab above the common pipe shaft/ duct in the master bedroom toilet.

6. Chin Cheong also noted a puncture on the suspended ceiling of the common bathroom and above the puncture was a sewerage pipe which serves the unit #XXX (i.e. the unit above) exclusively. He was unable to say if the pipe was still leaking as it was too far away for close inspection and the suspended ceiling was dry at that time.

7. He concluded that the leakages in the master bedroom and master bedroom toilet originated from the unit #XXX due to the failure of the existing waterproofing installed at the master bathroom of unit #XXX and from the condensate pipes of the air conditioning units of unit .

RESPONDENTS' CASE

8. Respondents' denied that the leakages were his responsibility. He engaged his own Chartered Building Surveyor, one Crispin Casimir. Crispin inspected the Respondents' unit and put up a report.

9. He reported that the polyurethane grout done by the Applicants could have blocked the condensate pipe of the air condensing unit of #XXX and hence caused the leakages. He also was of the view that rain water from the outside could have been the cause of the leakages in the Applicants' unit.

10. In his oral testimony, Chin Cheong was of the view that the grouting process could not have caused blockage of the condensate pipe because the pipes were laid just below the floor tiles and were too far up for any grout injected from below to reach. The drilling of the holes for the plugs also could not have damage the pipes for the same reason.

11. He said he excluded rainwater ingress for the following reasons:-

- (i) when he inspected the Applicants' unit, the weather was dry and he found active water droplets;
- (ii) distance between the active water droplets and the external wall was considerable
- (iii) if external walls were leaking, there would be signs of cracks and peeling paintwork. He saw none of these.

BOARD'S FINDING

12. We have read carefully the reports of both experts and heard their oral evidence and considered the evidence of both Applicants and Respondents and on a balance of probabilities, we find that the leakages into the Applicants' unit originated from the Respondents' unit and not from the external wall. We also find that the grouting done by the Applicants did not damage or block the condensate pipe of unit #XXX.

13. The Board hereby orders as follow:-

- (i) Respondents to undertake all necessary rectification work to their unit, #XXX, so that there are no further leaks thereby causing annoyance and/or damage to the ceiling, and adjacent walls of unit #XXX;
- (ii) Respondents to undertake all necessary rectification work to the damaged ceiling, adjacent walls, and the floor directly below the said ceiling of unit #XXX;
- (iii) Damages to any other property caused directly by the leak are to be paid by the Respondents to the Applicants; and
- (iv) All rectification works to be completed within 8 weeks from the date of this order.

14. The Board dismissed the counter claim.

15. Respondents are to pay the Applicants the cost of this application and the counter claim.

Dated this 8th day of October 2009

MR SENG KWANG BOON

Deputy President
Strata Titles Boards

MR CHUA KOON HOE

Member
Strata Titles Boards

MR LEE KEH SAI

Member
Strata Titles Boards

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ORDER BY A STRATA TITLES BOARD

TAKE NOTICE that pursuant to an application made in the above proceedings by the abovenamed Applicants, the Strata Titles Board comprising the Deputy President, Mr Seng Kwang Boon, and members Mr Chua Koon Hoe and Mr Lee Keh Sai, sitting at 45 Maxwell Road #XXX, The URA Centre, East Wing, Singapore 069118 on the 7th day of January 2010, and further to the order of this Board dated 8 October 2009, it is hereby ordered that:-

- a. the sum of S\$800.00 to be paid by the Respondents to the Applicants being such sum incurred by the Applicants for pressure grouting works undertaken in December 2006;
- b. the sum of S\$1,000.00 being damages for inconvenience and nuisance to be paid by the Respondents to the Applicants; and
- c. costs and disbursements to be paid by the Respondents to the Applicants fixed in the respective sums of S\$10,000.00 plus GST thereon and S\$11,654.00.

Dated this 7th day of January 2010

Mr Seng Kwang Boon
Deputy President

IMPORTANT: Contravention of this order is an offence under section 120 of the Building Maintenance and Strata Management Act. The offender may be fined up to \$10,000 and/or imprisoned for a term up to 5 years.