

BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT

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

STB No. 34 of 2011

In the matter of an application under
Section 101 of the Building Maintenance
and Strata Management Act in respect of
the development known as MIMOSA
PARK (MCST No. 493)

Between

Ch'ng Beng Un/Ho Yoke Fong

... Applicants

And

Wong Choo Mok/Foo Li Nap

... Respondents

Coram : Mr F G Remedios
Deputy President

Panel Members: Mr Winston Hauw
Mr Edwin Choo

Counsel: Mr Cheah Kok Lim
(M/s Cheah Associates LLC for the Applicants)

GROUNDINGS OF DECISION (ON COSTS)

STB Application No 34/2011 was filed after the Applicants discovered evidence of leakage in their unit, the cause of which emanated from the Respondents' unit, and necessary steps to rectify this were not taken by the Respondents.

Following mediations before the Board commencing on the 30/06/11 necessary steps were eventually taken by the Respondents to stop the leakage and rectify the damage caused. On the 24/11/11 the Board was informed that all matters, except for costs, in connection with the leakage had been resolved.

The Respondents have since indicated that they are not prepared to pay any costs incurred by the Applicants in bringing this matter before the Board.

The Applicants have in the written submissions submitted that costs, inclusive of disbursement, in excess of \$6000 are due to them. They have indicated that they would be satisfied if an order was made for the Respondents to pay costs, inclusive of disbursements, fixed at \$6000. Inter alia the stand of the Respondents is that this "*being a trivial case*" the legal costs and cost incurred by the Applicants in engaging the surveyor were unnecessary.

The Board after considering all the facts and the events that occurred before the leakage was stopped and damages rectified finds that the legal costs and costs incurred in engaging the surveyor were not unreasonably incurred.

It is accordingly ordered that the Respondents will pay costs, inclusive of disbursements, fixed at \$6000.

Dated this 6th day of January 2012.

Mr F G Remedios
Deputy President

Mr Winston Hauw
Member

Mr Edwin Choo
Member