

BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT

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

STB No. 92 of 2012

In the matter of an application under section **101** of the Building Maintenance and Strata Management Act in respect of the development known as **SHUN LI INDUSTRIAL PARK** (MCST No. 2557)

Between

Megatek Enterprises (S) Pte Ltd

... Applicant(s)

And

Cheow Sao Fai/ See Lay Yong

... Respondent(s)

Coram: Seng Kwang Boon (Deputy President)
Lee Coo (Member)
Winston Hauw (Member)

GROUNDINGS OF DECISION

This is an application by Megatek Enterprises (S) Pte Ltd (the “Applicant”), the owner of unit #XXX of Shun Li Industrial Park against Cheow Sao Fai/ See Lay Yong (the “Respondent”), the owners of unit #XXX of Shun Li Industrial Park, under section 101 of the Building Maintenance and Strata Management Act, for orders that (i) the Respondents install insulation in their unit of #XXX so as to prevent condensation on the soffit of the Applicant’s unit; and (ii) the Respondents to make good the damages caused as a consequence of the condensation.

THE APPLICANT’S VERSION:

2. Applicant’s 1st witness Tham Yew Chum (“AW1”), a director of the Applicant, testified. AW1 testified that in year 2007, they discovered that the soffit of their unit was stained and water was dripping from three to four isolated areas. They also discovered that the soffit was cold and suspected that the water droplets were due to condensation as the Respondents had cold rooms on their premises. The Applicant approached the Respondents and the Management Council (“MCST”) for a discussion but was not successful in resolving the matter.

3. In year 2009, the Applicant repainted the soffit. Condensation, dark stains and mould, however, appeared again thereafter. AW1 mentioned that now there are six areas affected by the alleged condensation.

4. Application then engaged Robinson Jones Associates Pte Ltd, a firm of chartered building surveyors, to investigate.
5. Applicant's 2nd witness, Kenneth Hugh Jones ("AW2"), a chartered building surveyor from Robinson Jones Associates Pte Ltd, testified. AW2 inspected both the Applicant and Respondents' units and put up 3 reports – a main report, a supplementary report and an addendum to both the main and supplementary reports.
6. AW2 mentioned that he had taken the air temperature, relative humidity and T-dew readings of both the premises. AW2 noted that the Applicant's unit is adequately ventilated as it is naturally ventilated with opened doors and windows as well as mechanically ventilated with ceiling and stand fans.
7. AW2 concluded that the prolonged variation in temperature within the Respondents' unit caused by mechanical cooling and the relative humidity had caused condensation to the soffit of the Applicant's unit resulting in the subsequent mouldings and damages. AW2 is unable to identify any other source(s) that could have caused the condensation.

THE RESPONDENTS' VERSION:

8. Respondents' 1st witness, Ziv Cheow Shi Xuan ("RW1"), an operations manager of the Respondents, testified. RW1 said that the air-conditioners in some of the rooms in the Respondents' unit are kept running for 24 hours all the time as the rooms are used to store some of the products which required to be kept cool continuously.
9. RW1 denied that the condensation and mouldings in the Applicant's unit were caused by the prolonged cooling in the Respondents' unit. The Respondents then engaged CC Building Surveyors Pte Ltd to investigate.
10. Respondents' 2nd witness, Crispin Casimir ("RW2"), a chartered building surveyor from CC Building Surveyors Pte Ltd, testified. RW2 mentioned that he had conducted visual inspections to both the Applicant and Respondents' units, the whole building in general and a number of random units, and subsequently put up a report.
11. RW2 noted that the Applicant's unit is not well ventilated as the windows are not adequate. RW2 said that the temperature difference of 2°C to 3°C would not be significant but a difference of 5°C to 6°C would be significant for condensation to take place. RW2 concluded that the problem in the Applicant's unit is due to inadequate ventilation and the high relative humidity.

THE BOARD'S FINDINGS:

12. On the evidence adduced, the Board is of the view that there is condensation on the soffit of the Applicant's unit which has caused water stains marks, damages and mould growth.
13. The Board finds the reports of AW2 helpful and comprehensive. AW2 had taken the temperatures; moisture content levels of the soffit; relative humidity; T-dew points; and other data and concluded that the mechanical cooling within the Respondents' unit is low enough to cause the soffit of the RC slabs to fall below the dew point and hence condensation. AW2 also noted that the ventilation in the Applicant's unit is adequate and gave his reasons. AW2 could not find any other cause for the condensation to take place.

14. The Board finds the report of RW2 unhelpful. RW2 concluded that the problem in the Applicant's unit was due to the unit not being well ventilated. RW2 had, however, failed to either explain how poor ventilation could cause the problem or provide some details as to why/ how the Applicant's unit is not well ventilated. Although RW2 is of the view that the recorded temperature difference between the air and soffit of the Applicant's unit is not considered significant to cause the problem, RW2 had failed to provide any scientific explanation to support his view. Notwithstanding this view, RW2 conceded that a small temperature difference may cause condensation if the relative humidity is sufficiently high.

15. In the circumstances, the Board accepts the reports of AW2 and finds that the condensation on the soffit of the Applicant's unit is caused by the low temperature in the Respondents' unit, as a result of prolonged mechanical cooling.

THE BOARD'S DECISION:

16. The Board finds the Respondents liable and orders the following:-
- a) Respondents to install proper insulation on the floor of their unit to prevent further condensation on the soffit of the Applicant's unit, within one (1) month from the date of this order;
 - b) Respondents to clean, paint and repair the areas of the soffit in the Applicant's unit which are damaged by the condensation, within one (1) month from the date of this order;
 - c) Respondents to pay a global sum of **S\$5900** (*S\$1250 being STB fees and S\$4650 being Applicant's 1st surveyor's report charges*) to the Applicant, within one (1) month from the date of this order.

Dated 23rd day of August 2013

SENG KWANG BOON
Deputy President

LEE COO
Member

WINSTON HAUW
Member