

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

STB No. 51 of 2013

In the matter of an application under Section 101
of the Building Maintenance and Strata
Management Act in respect of the development
known as **GUILLEMARD APARTMENTS**
(MCST No. 1163)

Between

Chua Thow Chiang / Low Siew Noi

... Applicants

And

Soh Chen Chew

... Respondents

Coram: Mr. Seng Kwang Boon
Deputy President

Panel Members: Mr. Lim Gnee Kiang
Mr. Chua Koon Hoe

Applicants: Chua Thow Chiang / Low Siew Noi

Counsel: Ms. Josephine Tay
(M/s Josephine Tay & Co for the Applicants)

Respondents: Soh Chen Chew

Counsel: Mr. Vijai Parwani
(M/s Parwani & Co for the Respondent)

GROUNDS OF DECISION

Applicant's case:

1. Sometime in February 2013, the Applicants said that they discovered the kitchen cabinets of their wet kitchen were damp with water running along the cabinets. They removed part of their kitchen cabinets and observed that the ceiling was wet and water could be seen dripping down. They said they informed the Respondent of the leakage and said the Respondent did not do anything to arrest the leakage as he took the stance that he was not liable nor responsible for the leakages.
2. By Mid-May 2013, the water leakage became very serious. The Applicants' solicitors wrote three letters of demand to the Respondent but did not receive any response from him. Applicants then filed the application to the Strata Titles Boards in July 2013.
3. As the water leakage problem could not be resolved, Applicants engaged a Building Surveyor, one Bruce Loggie, to investigate in November 2013.
4. The Surveyor, in his report, concluded that the waterproofing system within both the balcony and the kitchen floors of unit #05-02 has failed causing water seepage and associated staining to the below unit #04-02. He came to this conclusion after conducting a water ponding test.

Respondent's Case:

5. Respondent said when the Applicants informed his brother Alex who was residing in his unit about the leakages, Alex responded immediately. He said Alex made attempts to identify the root cause of the problem. He took remedial actions by turning off all incoming water source, applied Bitumen over the Kitchen Balcony floor tiles joints and diverting incoming water pipe. In the meantime a burst water pipe in the unit above his i.e. #06-02 was repaired and he claimed that there was no more complaint from the Applicants and he concluded that water leakages to the unit #04-02 was from the burst pipe in the unit above him. He said that in August 2013 Applicants complained of water leakage again and he engaged a Building Surveyor Simon Tan to investigate. Simon Tan reported no water leakages but only water marks and stains in Applicants' unit.
6. He now accepts that the waterproofing membrane of his premises was defective and agreed to re-do the waterproofing in his unit.

Board's Findings:

7. The Board accepts the finding in the report of Bruce Loggie that the water leakages into Applicants' unit originated from the Respondent's unit.

8. Accordingly the Board finds the Respondent is responsible for the said leakage and liable to do the necessary repairs to prevent further leakages into the Applicants' unit.
9. The Board is also of the view that it is not necessary nor productive to embark upon the tasks of deciding and directing the Respondent on the methodology to be adopted, the type of materials to be used, a particular contractor or a particular Building Surveyor to be engaged to do the job. It would suffice if the leakages to Applicants' unit are arrested and the damages to furniture and property are made good by the Respondent.

Board's Orders:

The Board orders as follows:-

- a) The Respondent shall carry out all necessary repairs and waterproofing works in unit #05-02 to stop and prevent all water leakages into the Applicants' unit.
- b) The Respondent shall ensure that all the repair and waterproofing works are completed within two months of the order herein.
- c) In the event the Respondent fail to fully comply with any of the terms in the order, the Applicants may proceed to take all reasonable steps to give effect to the same and recover all costs incurred as a debt from the Respondent.
- d) The Respondent shall pay the Applicants' legal cost and disbursement fixed at \$6000.00.
- e) The Respondent shall also pay the Applicants' other costs, STB fees, Report fees and disbursements assessed at \$7350.00.
- f) The Respondent shall pay the Applicants a further sum of \$3000.00 being damages to their cabinet and roof.

Dated this 21st day of March 2014

MR SENG KWANG BOON
Deputy President

MR LIM GNEE KIANG
Member

MR CHUA KOON HOE
Member