

**BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT**

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

STB No.117 of 2017

In the matter of an application under Section 101 of  
the Building Maintenance and Strata Management  
Act in respect of the development known as  
**Sherwood Towers** (MCST Plan No. 568)

Between

Lee Kum Huat Edward/Ang Mei Kway Rosalind

... Applicant(s)

And

1. Ang Lay Kian/Soh Kian Shang
2. Ng Wai Chun/Lee Kuo Kaan

... Respondent(s)

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**GROUND OF DECISION**

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24 May 2018

**6 June 2018**

Coram:                      Mr Seng Kwang Boon      (Deputy President)  
                                    Mr Tony Tan Keng Joo    (Member)  
                                    Mr Chan Kim Mun        (Member)

**BACKGROUND**

1. Applicants are the subsidiary proprietors of unit #23-04 Sherwood Towers. They sought orders from the Board for the first Respondents who are the subsidiary proprietors of unit #24-04 to engage a contractor to carry out repairs to stop water leakage from unit #24-04 into unit #23-04 and to make good damages caused to the ceiling boards in unit #23-04 and costs.

2. The first Respondents denied liability and alleged that the water leakages complained of were not from their unit but from unit #25-04. The first Respondents therefore brought in the subsidiary proprietors of unit #25-04 as the second Respondents.

### **THE APPLICANTS' CASE**

3. Rosalind Ang, (AW1), one the Applicants testified. She said that between 6 November 2007 to 25 February 2017, there were leakages from units #24-04 and #25-04 into her unit #23-04. These leakages were rectified and there were no more leakages until 21 August 2017. However, the damages to her ceiling boards remained unresolved.
4. On 21 August 2017, water leakages began to appear on the ceiling of the master bedroom. She alleged that these leakages were from unit #24-04 but the subsidiary proprietors of that unit i.e. the first Respondents denied liability. She engaged an expert, one ER Chong Keng Wee of Inter-Project Consortium, to investigate into the causes of the leakages and put up a report.
5. ER Chong Keng Wee (AW2) testified. He said he is a professional engineer for both civil and structural. He was engaged by the owners of unit #23-04 to investigate the leakages encountered at the master bedroom toilet. He concluded that waste water from the floor of the toilet in unit #24-04 and the waste water from the cast iron waste pipes belonging to unit #24-04 were the causes of the leakages. He concluded that the water leakages into unit #23-04 was from unit #24-04. He tendered his report marked(A1).

### **THE SECOND RESPONDENTS' CASE**

6. Ng Wai Chun, (2RW1), one of the subsidiary proprietors of unit #25-04 testified. She said that the previous leakages which originated from her unit had been fully rectified. There were no more leakages until 21 August 2017 when subsidiary proprietors of unit #23-04 complained of leakages into their unit. These new leakages into unit #23-04 were not from her unit as alleged by the first Respondents. She therefore had to engage an expert to investigate. She engaged expert ER Chong Keng Wee, the same expert engaged by the subsidiary proprietors of unit #23-04.
7. ER Chong (AW2) testified. He said he was engaged by the second Respondents to investigate whether there were any leakages of waste water from unit #25-04 into unit #23-04. He said he conducted a series of tests, using blue coloured dye in unit #25-04. He concluded that there was no leakage from unit #25-04 into unit #23-04. He tendered a report marked(A2).  
From his two reports to be read in conjunction with each other, his final conclusion was that the leakages to unit #23-04 are solely due to the corroded sewer pipes and the seepages of toilet floor water, both from unit #24-04.

### **THE FIRST RESPONDENTS' CASE**

8. Soh Kian Shang, one of the subsidiary proprietors of unit #24-04, testified. He said that when the Applicants complained on 20 August 2017 of leakages into their unit, he went to inspect but found no leakages from his sanitary pipes although there was some dampness. He said the ceiling boards in Applicants' master bedroom toilet was dry. He also said he had engaged a plumber to examine the sanitary pipes and did water test and found no leaks.
9. He said he disagreed with the reports tendered by expert ER Chong. He said the reports had wrong dates and did not contain all the relevant and necessary details and the expert did not carry out a proper investigation to determine the source of the water leakages, if any.
10. He also objected that the expert is a professional civil engineer and not a building surveyor and that these investigations are normally done by professional mechanical/electrical engineers.
11. Finally, he submitted that the damages to Applicants' ceiling boards were not caused by the leakages from his unit as there was none but by the leakages from unit #25-04 previously.

### **BOARD'S FINDING**

12. The Board finds that the leakages complained of by the Applicants in this application came from the unit of the first Respondents i.e. #24-04 and therefore they are liable.
13. The Board accepts the two reports submitted by the expert. The reports contained his inspections and various tests carried out by him. The first Respondents did not tender any report from his expert.
14. The Board rejects the objections to the reports by the first Respondents as the reasons for their objections are without merit.

### **BOARD'S ORDER**

15. The Board orders that the first Respondents carry out the repairs to the sources of the leakages identified by the expert ER Chong in his two reports and in accordance with his recommendations contained therein, within two weeks from the date of this order.
16. There is no conclusive evidence adduced to show that the damages to Applicants' ceiling boards in their unit were caused by the leakages complained of in this application and not from the previous leakages.

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v 1) Ang Lay Kian/Soh Kian Shang  
2) Ng Wai Chun/Lee Kuo Kaan

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17. The application to make good the damages is dismissed.

18. The Board will hear parties on costs.

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Mr Seng Kwang Boon  
Deputy President

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Mr Tony Tan Keng Joo  
Member

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Mr Chan Kim Mun  
Member

Applicants in person  
Respondents 1 in person  
Respondents 2 in person