

Weekend TODAY
7 Jan 2006

What limit an MCST's right to penalise?

Michael Loh Yik Ming

I was in a glass lift in Wisma Atria when a sign caught my eye. It stated that the management had the right to impose a minimum "penalty" of \$1,000 against passengers who damage the lift.

Can the building authorities comment if indeed an Management Corporation Strata Title (MCST) can unilaterally impose such a "penalty", one that is almost quasi-penal in nature?

Is this minimum amount of \$1,000 justifiable, regardless of extent of damage and culpability? Should a passenger who unintentionally and inadvertently damages a lift – one to whom no negligence can be assigned – be made to pay? And if so, what if the damage could be rectified for just a few hundred dollars?

TODAY
18 Jan 2006

Right to Claim Damages

I refer to Mr Michael Loh Yik Ming's letter, "What limit an MCST's right to penalise?" (Jan 7). A management corporation (MC) can impose conditions on persons entering its premises and using its common facilities such as lifts. If such facilities are damaged, the MC has the legal right to claim from the accountable party all reasonable costs in making good the damaged property.

What constitutes reasonable cost will depend on the circumstances of each case (including the extent and nature of the damage). If the parties cannot agree, they can try to settle by mediation or bring the matter to court for determination.

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