

## **Straits Times Online forum**

August 6, 2009

### **Update law to deal with recalcitrant condo residents**

Henry Ng

I REFER to last Saturday's report, 'It's my condo and I do what I want'. I am perturbed to hear about a council member refusing to pay the monthly \$65 fee levied on those who park their second car in the estate.

I am the chairman of another condominium's management council, and we have faced a similar problem in the past two years. Our estate has about 50 owners who own more than one car. In 2006, it was decided at an annual general meeting that the management council would determine the terms and conditions and fees on issuance of carpark permits in the estate. In 2007, the management council imposed a monthly fee of \$15 for parking a second car in the estate.

Although we sent numerous letters and got council members to persuade one resident to pay up, the issue is still not resolved. I believe other condos face similar problems with errant residents - such as littering, wearing improper swimming attire and hanging laundry in an unsightly manner.

Veteran condo residents know the managing agent is just a contractor employed by the residents and is powerless to fine or penalise them. Furthermore, taking legal action against a neighbour will not only cost thousands of dollars, but also most likely incur the wrath of the court.

I urge the Building and Construction Authority to review such problems with managing agents as well as management councils, and update the Building Maintenance and Strata Management Act so the standard of condo living can be maintained.

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## **Straits Times**

August 14, 2009 (page A28)

### **Use by-laws to handle condo issues: BCA**

Mr Chin Chi Leong  
Commissioner of Buildings  
Building and Construction Authority

I refer to Mr Henry Ng's letter, "Update law to deal with recalcitrant condo residents" (ST, 6 Aug).

We wish to highlight that the Building Maintenance and Strata Management Act provides a legal framework for the management and maintenance of strata

properties such as condominiums. The Act, which spells out the duties and obligations of various stakeholders such as the subsidiary proprietor (SP), management corporation (MC), council members and managing agent (MA), is aimed at facilitating self-regulation among these stakeholders who have interests in the well-being of the strata properties.

The Act prescribes a set of by-laws that every MC is required to adopt. To enable flexibility and autonomy in the running of strata properties, MCs are also allowed to make additional by-laws to control and manage the use of common property and the strata lots in the development, and all SPs and occupiers are obliged to comply with these by-laws. The issue raised by Mr Ng on rules for parking of a second car could be covered in such by-laws. While the MC could apply to the court for an order to enforce non-compliance of a by-law or restrain the breach of the by-law, the MC is encouraged to first consider resolving such issues with the SP directly before resorting to court action.

Mr Ng is right in pointing out that the managing agent can be likened to a contractor or an agent employed by residents to help run the estate and as such, a MA's appointment should be subject to a performance review at every annual general meeting. If an MA does not perform satisfactorily in his duties, the MC has the responsibility to consider terminating his appointment and appointing another in his place.

Hence, while the Act provides a system to facilitate the smooth running and maintenance of strata development, we would like to take this opportunity to remind residents living in strata properties to play their part to ensure that their estate is maintained and managed properly in the spirit of harmonious communal living. To find out more about the key provisions on strata living, please refer to the guide on "Strata Living in Singapore" at [http://www.bca.gov.sg/BMSM/strata\\_living.html](http://www.bca.gov.sg/BMSM/strata_living.html).

We thank Mr Ng for his feedback on the Act.