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STRATA MANAGEMENT GUIDE

Management and Maintenance
of Common Property



Preamble

This series of Strata Management Guides, published by the Building and Construction Authority (“**BCA**”), is intended to help councils of the management corporations (“**MCs**”), subsidiary proprietors (“**SPs**”), council members and managing agents (“**MAs**”) better manage their estates.

The guide sets out recommended procedures and good practices to address common issues (e.g. how to conduct a general meeting, how to make requisitions for motions).

The guide is aimed at providing a consistent approach and standard for the strata community to facilitate better self-regulation.

Disclaimer

This guide has been prepared to provide practical information on the Building Maintenance and Strata Management Act (“**BMSMA**”) and regulations made under the BMSMA (“**BM(SM) Regulations**”).

This guide:

- Does not provide a legal interpretation of provisions in the BMSMA or BM(SM) Regulations; and
- Is not a substitute for independent legal advice.

Readers should seek professional legal advice if they need to determine specific legal rights and duties applicable to them. The Commissioner of Buildings, BCA or any agency stated in this guide shall not be liable for any reliance on any information contained in this guide by any person.

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First published in November 2023

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Icons in this guide



Good Practice



Example

Abbreviations

AGM	-----	Annual General Meeting
BC Act	-----	Building Control Act 1989
BMSMA	-----	Building Maintenance and Strata Management Act 2004
BM(SM) Regulations	-----	Building Maintenance (Strata Management) Regulations 2005
MA	-----	Managing Agent
MCST	-----	Management Corporation Strata Title
MC	-----	Management Corporation
SP	-----	Subsidiary Proprietor



01 Introduction

1.1 Common property is:

- 1.1.1 any part of a land or building within the strata title plan (“**STP**”) that is not comprised within an individual lot and is capable of being used or enjoyed by occupiers across two or more lots;
- 1.1.2 in relation to the land or building mentioned in paragraph 1.1.1, any of the following, whether or not comprised within a lot, proposed lot or non-proposed lot:
 - 1.1.2.1 the pipes, wires, cables or ducts which are used or capable of being used or enjoyed by occupiers across two or more lots, or are used for the servicing or enjoyment of the common property;
 - 1.1.2.2 the space enclosed by a structure enclosing pipes, wires, cables or ducts mentioned in paragraph 1.1.2.1 above;
 - 1.1.2.3 any structural element of the building;
 - 1.1.2.4 the waterproof membrane attached to an external wall or a roof.



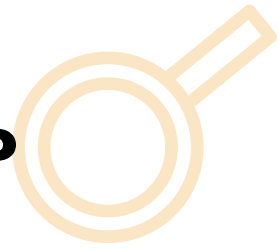


- 1.2 It is important for the SP to be aware of what constitutes common property. The SP cannot, without permission from the MC, alter or make changes to common property (e.g. install additional awning on a common property wall) without obtaining the MC's approval.
- 1.3 Any SP or the MC should be familiar with what is typically considered common property. Some common examples include swimming pools, gyms, lift lobbies, corridors, carparks, lifts in common areas, playgrounds, gardens, drop-off points, exterior building walls, etc. Common properties also include the Lightning Protection System (“LPS”) and structural elements like foundation or load-bearing walls, which will be elaborated on in this guide. For a more detailed list of examples, you may refer to Section 2 of the BMSMA.¹
- 1.4 This guide will also touch on the resolutions to note when dealing with common property.



¹ See Annex A of Guide 1 “[Concept of Strata Living](#)” on what constitutes ‘common property’.

02 Understanding the STP



- 2.1 Oftentimes, queries may arise as to what constitutes the boundaries between the SP's own lot and common property, or who is responsible for maintaining what (i.e. whether it should be the MC's or individual SP's responsibility to maintain the relevant property).
- 2.2 The basic rule is that generally, everything inside a lot is considered the SP's property unless defined as "common property". This includes the non-structural internal walls, fixtures that are not pipes, wires, cables or ducts, carpet and paint on the internal walls. For everything else, it would be prudent to refer to the STP.

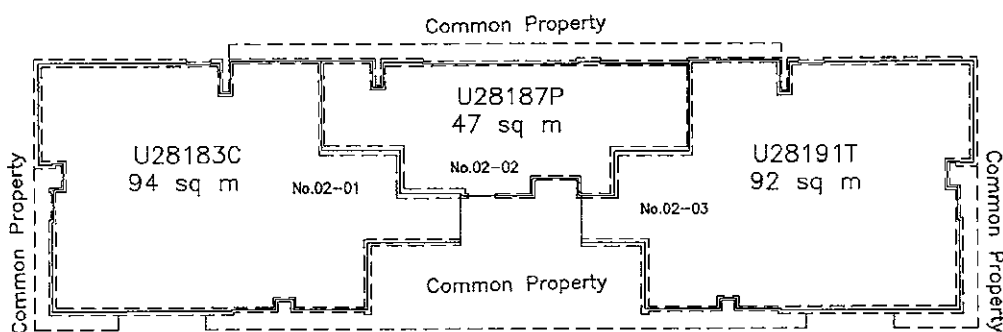


Good Practice

Before an SP carries out renovation works for his / her lot, the SP should know where the boundary demarcating his / her lot from the common property is, and ensure that no works are carried out into the common property.

To know exactly what is considered common property and what is within an individual SP's lot, one will need to look at the **STP**. In simple terms, the STP is a survey plan (not architectural plan) prepared by a licensed surveyor and registered with the Singapore Land Authority ("**SLA**"). The boundaries are usually demarcated by thick black lines. For a copy of the STP, any SP can approach the MC or SLA.

Sample of a Strata Title Plan



2ND. STOREY

Source: Singapore Land Authority



03 Examples of Common Property

3.1 This section elaborates on some common property examples.

LPS

- Maintenance and inspection of the LPS should be carried out in accordance with the latest *Singapore Standard (SS) 555 Code of Practice for Protection Against Lightning*. Enhancement works, if necessary, should be carried out as part of the regular upgrading works for the development. This could include improvements to the LPS at open, habitable areas where people are regularly present and at non-habitable flat roofs for better protection against spalling concrete caused by lightning strikes.
- The owner of any building, or part of a building such as common property, that is not kept in a good and serviceable condition may be issued a notice in writing by the authorities to perform requisite repair works.
- For example, if the owner was issued a notice to maintain under the BMSMA and fails to comply with the notice, without reasonable excuse, that person shall be liable on conviction to a fine not exceeding \$5,000. In the case of a continuing offence, a fine not exceeding \$25 for every day or part thereof may be imposed for the period that the offence continues after conviction.





Structural Elements, e.g. Foundation / Load-bearing Walls

- If you intend to perform building works within your unit, you may need to obtain authorities' approvals and permit, including ensuring compliance with requirements under the BC Act.
- Further, there are restrictions on hacking works carried out on structural elements in your unit. Other than compliance with the BC Act, structural elements such as slabs, beams, columns and walls are common property, which shall not be altered without proper assessment by a Professional Engineer ("PE") and approval by the MC.
- For localised chasing and drilling works on structural elements for wiring works, competent renovation contractors shall be appointed and advice from a PE shall be sought to ensure that no strengthening of the structures are required, and the structural integrity of the building will not be affected. Clearance from the MC must also be obtained before any works on structural elements are carried out.
- It is best to check with the developer or the MC and the Sale and Purchase Agreement ("**S&PA**") regarding any restrictions on renovation works, prior to carrying out the works.

3.2 For clarity, the Fire Sprinkler Protection System (FSPS) and the Central Air-Conditioning System (CACS) are defined as common property under the BMSMA. For more details, please refer to the [circulars](#) issued by BCA on 7 February 2019.



04 Factors to Consider for the Maintenance of Common Property



- 4.1 Generally, MCs will include the maintenance cost of common property in their annual budget. These would include essential services like cleaning services, security services, swimming pool maintenance, and lift and sanitary systems.
- 4.2 Depending on the extent or coverage of these common properties, MCs could procure such professional services via a private service contract or agreement. When considering the scope of service contract or agreement, MCs should also refer to industry standards or codes of practice from the relevant agencies. Some areas MCs need to consider are:

- **Budget / costs.** Maintenance cost is a key factor in the annual budget of MCs. Hence, careful budget planning is required of MCs to ensure that maintenance services / materials are procured in a cost-effective and cost-efficient manner.
- **Service-level expectations of vendors.** MCs should communicate their service expectations / requirements clearly to the engaged vendors performing maintenance works (e.g. for cleaning services, security services), and where necessary, set it out in contractual agreements to avoid disputes.
- **Relevant legislations / regulatory requirements / codes of practice.** Certain laws and legislations make it mandatory for MCs to engage specialist staff to perform maintenance works. MCs are to check with the relevant regulatory agencies if in doubt. Some maintenance works include:
 - a) Maintenance of lift(s) and escalator(s) which require specific technical expertise, i.e. Specialist Professional Engineer (SPE).
 - b) Maintenance of electrical facilities such as high tension electrical switchgears or transformers that require a Licensed Electrical Worker (LEW) to operate and maintain these devices.
 - c) Maintenance of swimming pool(s) and / or aquatic facilities (AF)² where an NEA license is mandatory for its operation. The MC must also renew the license annually. For more information, please refer to NEA's website at: [NEA | Aquatic Facilities \(AF\)](#).

² The National Environment Agency (NEA) regulates the quality of water in all licensable aquatic facilities with water recirculation systems in Singapore. This includes swimming pools, water playgrounds (including water fountains) and multi-use spa pools located at all non-residential premises.



05 Usage of Common Property



Good Practice: Lease of walkway in front of shop — Is it considered exclusive use?

The previous MC had granted a temporary occupation license (TOL) to two SPs to place their items along the common area in front of the shops, without passing a resolution.

The MC should have passed a resolution at a general meeting, to confer upon the SPs exclusive use and enjoyment of the common area, under section 33 of the BMSMA.

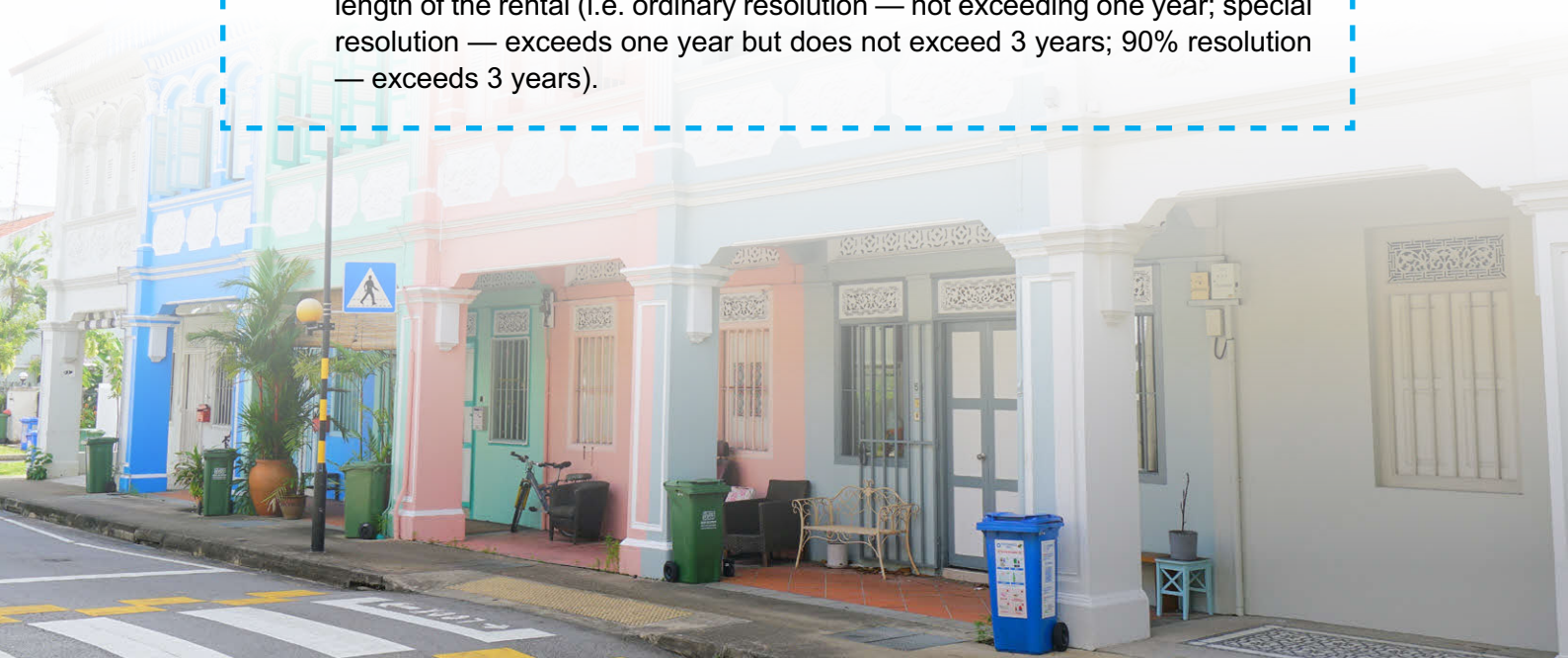
What provisions under the BMSMA are relevant?



If the use involves the 'exclusive use and enjoyment of or special privileges' to an SP in respect of the whole or part of the common property, the MC should refer to section 33 of the BMSMA on the type of resolution to be passed. The type of resolution to be passed depends on the length of such 'exclusive use and enjoyment or special privileges' (i.e. ordinary resolution — not exceeding one year; special resolution — exceeds one year but does not exceed 3 years; 90% resolution — exceeds 3 years).



Under section 34 of the BMSMA, if the MC wishes to rent any part of the common property to an external vendor or party, the MC must pass a resolution at a general meeting. The type of resolution to be passed depends on the length of the rental (i.e. ordinary resolution — not exceeding one year; special resolution — exceeds one year but does not exceed 3 years; 90% resolution — exceeds 3 years).





06 Insurance

- 6.1 Every building in the estate must be insured under a damage policy against fire, lightning, explosion or any other occurrence specified in the policy. The MC can decide not to insure against any or all damages if all subsidiary proprietors agree [*Section 70 of the BMSMA*].
- 6.2 Apart from the insurance policy for damage, the MC must also take out any other insurance required by law, for example, insurance required under the Workmen's Compensation Act. The MC must also take out public liability insurance for damage to property, or death or injury to any person that may occur on the common property [*Section 71 of the BMSMA*].
- 6.3 The MC may also buy Error and Omission (“**E&O**”) insurance for council members.



Good Practice: Insurance by Individual Owners

I am an individual owner and I wish to take out additional insurance for my own property. Can I do so?

Individual owners are free to take out other insurance in respect of their units, for example, to insure against damage to furnishings within their units.

References:

BMSMA 2004 – Sections 2, 33, 34
 Second Schedule to the BMSM Regs 2005



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