13 STRATA MANAGEMENT GUIDE

Water Seepage – What You Should Know

Building and Construction Authority

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.

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Abbreviations

AGM	Annual General Meeting
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

(Sections 29(1) and 63 of the BMSMA)

1.1 Water seepage can either occur within a lot or at a common property. Whether it is a burst pipe or a leaking roof which causes the water seepage, the parties affected may experience inconvenience and stress, or even tensions with their neighbours. Sometimes, it is also challenging to determine the person(s) who is / are responsible for the water seepage.

1.2 As the MC is responsible for overseeing and maintaining the common property, the MC is in charge of rectifying any defect that occurs in areas that are common property.[1] On the other hand, the SP (i.e. the owner of a strata lot / unit) is responsible for keeping their lot in good condition, which includes rectifying any defects inside the boundaries of their lot.

[1] Please refer to Guide 1 on "**Concept of Strata Living**" and Guide 11 on "**Management and Maintenance of Common Property**" for the definition of 'common property'.

02 Who Should Be Responsible for Maintenance and Repair?

2.1 Water seepage typically may result from multiple issues occurring within or outside a lot. As the issues might not be apparent at the outset, we suggest that the affected parties and the MC / MA conduct a joint inspection to determine the cause(s) of the water seepage and proceed with any repairs required to rectify the water seepage.

2.2 If necessary, the affected parties can consider engaging an independent consultant or licensed plumber to determine the cause(s) of the water seepage, and work together to rectify the issue amicably.

2.3 Any damages and monetary compensation arising from water seepage suffered by the SP should be settled amicably between the SP and the relevant parties concerned. These are private issues not addressed under the BMSMA. Any dispute arising due to water seepage may be brought to the Strata Titles Boards (STB) for resolution.

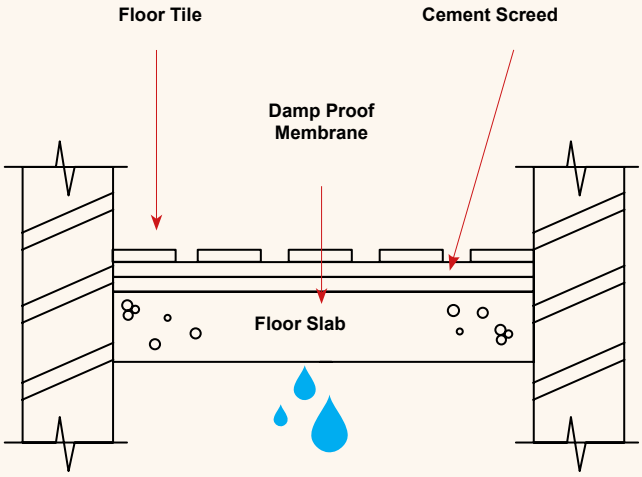
03 Common Water Seepage Problems

(Section 101(8) of the BMSMA)

3.1 Inter-floor water seepage is one of the most common issues in strata-titled developments. It is usually evidenced by dampness, moisture or water penetration on the interior ceiling of a unit. If there is such evidence, it is presumed, unless evidence is produced to show otherwise, that the defect is situated within the unit immediately above the unit where the evidence of dampness has occurred on the interior ceiling. Therefore, the upper-floor SP should jointly investigate the cause with their lower-floor neighbour and proceed with any repairs required.

3.2 The following are some of the common water seepage issues that occur in strata-titled developments.

Inter-Floor Seepage



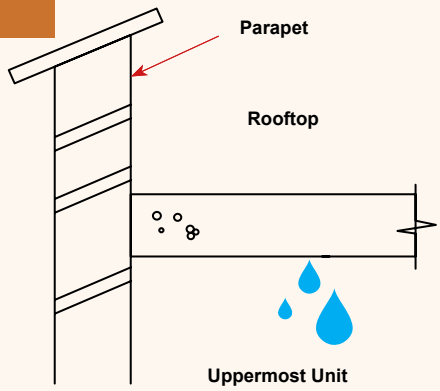
Description:

Water seeps from the floor slab of the upper unit to the ceiling of the lower unit

What can be done?

- SPs of both the upper and lower floor units should jointly carry out an investigation to establish the cause of the water seepage.
- The affected SP can proceed with the repair works.
- SPs of the upper and lower floor units should decide on their respective share of the repair costs.

Roof Seepage



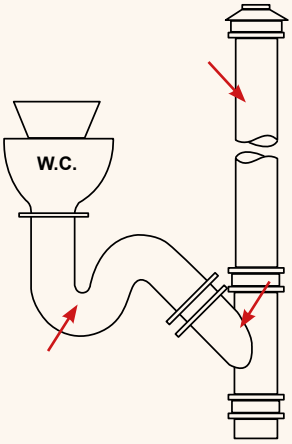
Description:

Water seeps through the roof slab to the ceiling of the uppermost unit in a building

What can be done?

- SP of the unit directly below the roof should check if the roof is part of the common property, especially for cluster housing and shophouses.
- These SPs may refer to the strata boundary lines of their units in the strata title plan.
- If the roof is part of the common property, the MC shall be responsible for managing and maintaining the roof.

Pipe Leak



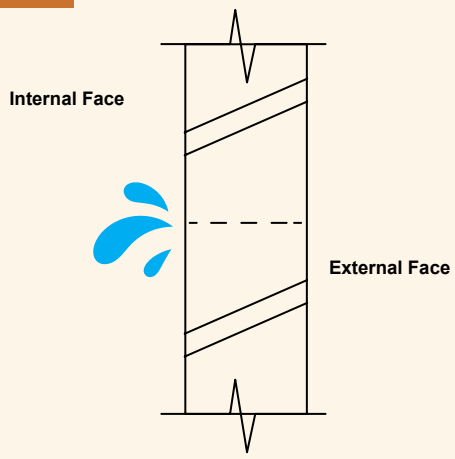
Description:

Water leaks from crack along the length of a pipe or from the joints between two or more adjoining pipes

What can be done?

- If the leak occurs in a pipe serving two or more units, where the pipe constitutes part of the common property, the MC shall be responsible for repairing the leak.
- If the leak occurs in the pipe serving solely a unit, the SP of that unit shall be responsible for repairing the leak.

External Wall Seepage



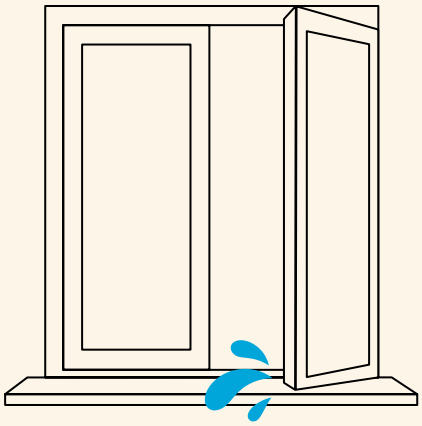
Description:

Water seeps from the face of a wall which is exposed to external open space or natural elements, to another face of the same wall which forms part of a unit

What can be done?

- If the seepage occurs in a wall in which the wall is part of the common property, the MC shall be responsible for repairing the leak.

Windows



Description:

Water seeps from a window

What can be done?

- If the water seepage occurs in respect of louvres, casement windows, sliding windows or windows with any movable part, the SP is responsible for its maintenance.
- If the window frame forms part of the common property, the MC should maintain the frame.

04 Steps to Take in the Event Of Water Seepage Situations

4.1 If the source of the water seepage is **within the lot**, it is the SP's responsibility to carry out the repair works. In the event of an inter-floor water seepage situation, the upper and lower floor unit SPs should come together to investigate the cause of the water seepage and take appropriate action.[2]

4.2 As a good practice, where there is evidence of dampness or water penetration from the common area affecting the lot, the MC should first investigate the cause of the water seepage. Should the source of water seepage originate **from the common property**, it shall be the duty of the MC to properly maintain and keep the common property in a state of good and serviceable repair.

References:

BMSMA 2004 – *Sections 2, 9, 29, 63, 101, 108*

[2] You may refer to Guide 9 on "**Dispute Resolution: Common Disputes and Course of Actions**" for the details.

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