
First published in the *Government Gazette*, Electronic Edition, on 1st April 2005 at 5:00 pm.

No. S 195

BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT 2004 (ACT 47 OF 2004)

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

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In exercise of the powers conferred by section 136 of the Building Maintenance and Strata Management Act 2004, the Minister for National Development hereby makes the following Regulations:

PART I**PRELIMINARY****Citation and commencement**

1. These Regulations may be cited as the Building Maintenance and Strata Management (Strata Titles Boards) Regulations 2005 and shall come into operation on 1st April 2005.

Definitions

2. In these Regulations, unless the context otherwise requires —

“application” means an application made to a Board —

(a) under Division 2 of Part VI of the Act; or

(b) under section 84A, 84C, 84D, 84E or 84FA of the Land Titles (Strata) Act (Cap. 158);

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“registrar” means the registrar of the Boards appointed by the Minister under section 99(1) of the Act.

PART II

APPLICATION TO BOARD

Form and manner of application

3.—(1) Every application made to a Board and every document filed or furnished to the registrar or a Board under these Regulations shall be in such form as the president may from time to time approve.

(2) The president may modify the form used in any particular case.

(3) Every application made to a Board shall —

(a) be filed with the registrar;

(b) be accompanied by the relevant fee specified in the Schedule;

(c) if made under section 84A, 84C, 84D, 84E or 84FA of the Land Titles (Strata) Act, be made in 6 copies;

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(d) if made under Division 2 of Part VI of the Act —

(i) be made in 4 copies; and

(ii) be served by the applicant on every other party to the dispute or matter to which the application relates; and

(e) if made by an authorised representative on behalf of an applicant, be accompanied by a copy of the letter of

authorisation issued by the applicant to the authorised representative.

Written notice of strata management dispute to be served

4.—(1) Where an application under Division 2 of Part VI of the Act is made, the registrar shall cause a written notice to be served on —

- (a) every person who is referred to in the application as a respondent;
 - (b) the management corporation or subsidiary management corporation relevant to the dispute or matter; and
 - (c) any other person who, in the opinion of the registrar, is likely to be affected if an order is made by the Board.
- (2) The written notice referred to in paragraph (1) may —
- (a) specify the order sought by the applicant; and
 - (b) invite every respondent, the management corporation, the subsidiary management corporation or a person on whom the notice is to be served (if any) to file with the registrar, within the time specified in the notice, a written submission in respect of the dispute or matter.

Management corporation, etc., to display and serve notice

5. Upon being served a written notice referred to in regulation 4(1)(b), the management corporation or subsidiary management corporation or both, as the case may be, shall —

- (a) immediately cause the notice or a copy thereof to be prominently displayed on a notice board maintained by the management corporation on the common property, or by the subsidiary management corporation on the limited common property, as the case may be, until the time specified in the notice for the filing of a written submission referred to in regulation 4(2)(b) expires; and
- (b) if directed by a registrar to do so, immediately serve a copy of the notice on any person whose name appears on the strata roll of the management corporation.

PART III
PROCEEDINGS OF BOARD

Constitution of Board and objection to members of Board

6.—(1) The registrar shall refer every application to the president who shall immediately constitute a Board for the purposes of determining by mediation-arbitration the dispute or matter to which the application relates.

(2) The registrar shall notify every party to the dispute or matter of the constitution of the Board.

(3) Any party to the dispute or matter who objects to any of the members of the Board for any reasonable cause shall, within 7 days of the date of the notification by the registrar under paragraph (2), file his objection with the registrar.

(4) An objection filed with the registrar under paragraph (3) shall state the grounds of the objection.

(5) The president may require the party who filed an objection under paragraph (3) to furnish to him, through the registrar, within such time as he may determine, such further information in relation to the objection as he considers necessary.

(6) The registrar shall inform every party to the dispute or matter —

(a) of the decision of the president to allow or disallow the objection; and

(b) of the constitution of the new Board, if the decision of the president is to allow the objection.

(7) Where no objection is filed with the registrar within 7 days of the date of the notification by the registrar under paragraph (2), the registrar shall inform every party to the dispute or matter accordingly.

Consolidation of applications

7.—(1) Where 2 or more applications relating to the same dispute or matter are pending before a Board, a party to any of the applications may apply to the Board for some or all of the applications to be considered together by the Board.

(2) Before making a direction for any application to be considered together, the Board shall give every party concerned an opportunity to be heard.

(3) The Board may, on its own motion, direct that 2 or more applications relating to the same dispute or matter be considered together.

Directions by registrar

8.—(1) The registrar may require any party to any dispute or matter to attend before him, on such date and at such place as the registrar may determine, for the purpose of giving any direction with a view to —

- (a) facilitate the mediation by the Board of the dispute or matter; or
- (b) the just and expeditious disposal of the arbitration hearing before the Board.

(2) The registrar shall notify every party required to attend before him at least 7 days before the attendance.

(3) At the attendance before the registrar for directions, the registrar may, if he thinks fit —

- (a) give every party present an opportunity to be heard; and
- (b) make all or any of the following directions:
 - (i) require any party to furnish, within such time as may be required by the registrar, any document or other information which is within the power of that party to furnish;
 - (ii) allow every other party an opportunity to inspect the document and make copies thereof;
 - (iii) record the admission of any fact by any party;
 - (iv) determine a date after which no amendment may be made to any document filed with the registrar without the leave of the registrar;

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- (v) determine the time and place for the mediation, direction hearing or arbitration hearing of any dispute or matter by a Board;
 - (vi) such other direction as the registrar thinks fit.

Procedure in relation to mediation

9.—(1) The registrar shall give every party to a dispute or matter before a Board a notice of mediation at least 7 days before the date of the first mediation session.

(2) When mediating in any dispute or matter before a Board, the Board may —

- (a) having regard to the needs of the parties, follow such procedures, structured or unstructured, or do such things as the Board considers appropriate to resolve the dispute or matter promptly and effectively; and
- (b) receive any information, statement, admission, document or other material in any way that the Board thinks fit, whether or not it would be admissible in judicial proceedings.

(3) Where the registrar has determined a time and place for the mediation by a Board at an attendance before the registrar, it shall not be necessary for the registrar to give a notice of mediation to any party to the dispute or matter present in person or by his representative at the attendance.

No objection to collective sale application after mediation starts

9A. Where an application under section 84A(1), 84D(2), 84E(3) or 84FA(2) of the Land Titles (Strata) Act (Cap. 158) is made to a Board, no objection —

- (a) under section 84A(4) or 84FA(4) of the Land Titles (Strata) Act to the sale of all the lots and common property in a strata title plan to which section 84A or 84FA of that Act, as the case may be, applies; or

(b) under section 84D(3) or 84E(5) of that Act to the sale of all the flats and the land in a development to which section 84D or 84E of that Act, as the case may be, applies, shall be accepted by a Board on or after the first day set aside for mediation by the Board of matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute.

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Stop orders for collective sale applications

9B.—(1) Where —

- (a) an application is made under section 84A(1), 84D(2), 84E(3) or 84FA(2) of the Land Titles (Strata) Act to a Board;
- (b) one or more objections have been filed under section 84A(4), 84D(3), 84E(5) or 84FA(4) of that Act, as the case may be, in relation to that application; and
- (c) one or more of those objections are not withdrawn on the happening of either of the following events, whichever first occurs:
 - (i) at the end of a period of 60 days starting from the first day set aside for mediation by the Board of matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; or
 - (ii) after mediation by the Board has proceeded as far as it reasonably can in an attempt to achieve a resolution of the dispute but has nevertheless failed to resolve the dispute,

the Board shall immediately cease mediation and give to every objector who filed an objection and the authorised representatives of the applicants, a notice of its intention to issue a stop order at least 7 days after the date of service of that notice.

(2) A Board shall issue a stop order in respect of an application made under section 84A(1), 84D(2), 84E(3) or 84FA(2) of the Land Titles (Strata) Act (Cap. 158) to the Board if, at the end of a period of 7 days after the notice of its intention to issue a stop order is so served

under paragraph (1), one or more of the objections so filed under section 84A(4), 84D(3), 84E(5) or 84FA(4) of that Act, as the case may be, in relation to that application are not withdrawn.

(3) If, at the end of a period of 7 days after the notice of a Board's intention to issue a stop order is so served under paragraph (1), all of the objections so filed under section 84A(4), 84D(3), 84E(5) or 84FA(4) of the Land Titles (Strata) Act, as the case may be, in relation to the application to the Board made under section 84A(1), 84D(2), 84E(3) or 84FA(2) of that Act, as the case may be, are withdrawn, regulation 10 shall apply and where applicable, the Board shall hear the applicants and, subject to section 84A(9), 84D(7), 84E(9) or 84FA(9) of that Act, render a decision and make an order under section 84A(6), 84D(4), 84E(6) or 84FA(5) of that Act, as the case may be, with respect to that application.

(4) In this regulation, “stop order” shall mean a section 84A stop order, a section 84D stop order, a section 84E stop order or a section 84FA stop order referred to in section 84A, 84D, 84E or 84FA, as the case may be, of the Land Titles (Strata) Act.

[S 360/2010 wef 15/07/2010]

Settlement after successful mediation

10.—(1) When a dispute or matter is resolved by a Board through mediation, the parties to the dispute or matter shall sign the terms of the settlement agreement.

(2) Before the parties sign any terms of a settlement agreement, the Board must explain to the parties that those terms shall be final and binding and enforceable by the parties.

Absence of persons at mediation session

11. If, at the time appointed for the mediation by a Board of a dispute or matter, the applicant or any other party to the dispute or matter does not appear, the Board may, if satisfied that the absent party has been duly notified of the mediation session in accordance with regulation 9(1) and that the Board will be unable to bring about a settlement of the dispute or matter —

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- (a) dismiss the application if the absent party is the applicant;
or
 - (b) proceed in accordance with regulation 13 or 14.

Interlocutory applications before registrar

12.—(1) An interlocutory application may be made to the registrar for —

- (a) an order to amend any application or other document furnished to a Board under these Regulations;
- (b) an order to extend the time required for the doing of any act under these Regulations; or
- (c) any other order of an interlocutory nature.

(2) In the case of an interlocutory application under paragraph (1)(a), the applicant shall file with the registrar a statement of amendments together with his interlocutory application.

(3) Except as provided in paragraph (6), the applicant who files a statement of amendments under paragraph (2) shall, within 3 days after the filing, cause a copy of the statement to be served on every other party to the dispute or matter.

(4) An interlocutory application under paragraph (1)(a) shall not be made without the leave of the Board after such date as the Board may determine under regulation 13(4)(d).

(5) In the case of an interlocutory application under paragraph (1)(b) or (c), the applicant shall —

- (a) state the grounds of the interlocutory application; and
- (b) except as provided in paragraph (6), serve the interlocutory application on every party affected by it within 3 days after its filing with the registrar.

(6) An interlocutory application to the registrar that is accompanied by the written consent of every party affected by the interlocutory application need not be served on such party.

(7) A party who desires to object to an interlocutory application may, within 7 days of being served with a copy of the interlocutory

application, serve a written notice of objection to the interlocutory application on the registrar and the applicant.

(8) The registrar shall consider the written notice of objection to the interlocutory application and may, if he thinks fit, give the applicant and the party objecting an opportunity to be heard.

(9) An order made by the registrar pursuant to an interlocutory application shall be served on every applicant and respondent, whether or not affected by the order.

Directions by Board

13.—(1) A Board may require any party to any dispute or matter to attend before the Board, on such date and at such place as the Board may determine, for the purpose of giving any direction with a view to the just and expeditious disposal of the arbitration proceedings before the Board.

(2) Except as provided in paragraph (3), the registrar shall notify every party required to attend before the Board at least 7 days before the attendance.

(3) Where the Board has determined a time and place for the direction hearing of any dispute or matter at an attendance before the Board, it shall not be necessary for the registrar to give a notice of hearing to any party present in person or by his representative at the attendance.

(4) At the attendance before the Board for directions, the Board may, after giving every party present an opportunity to be heard, make all or any of the following directions:

- (a) require any party to furnish to the registrar, within such time as may be required by the Board, any document or other information which is within the power of that party to furnish;
- (b) allow every other party an opportunity to inspect the document and make copies thereof;
- (c) record the admission of any fact by any party;

- (d) determine a date after which no amendment may be made to any document filed with the registrar without the leave of the Board;
- (e) determine the time and place for a further direction hearing or the arbitration hearing of any dispute or matter;
- (f) such other direction as the Board thinks fit.

Notice of arbitration hearing

14.—(1) Except as provided in paragraph (2), the registrar or a Board, as the case may be, shall give every party to the dispute or matter a notice of arbitration hearing at least 7 days before the arbitration hearing.

(2) Where the registrar or a Board has determined a time and place for the arbitration hearing of any dispute or matter at an attendance before the registrar or the Board, as the case may be, it shall not be necessary for the registrar or the Board to give a notice of arbitration hearing to any party present in person or by his representative at the attendance.

Absence of persons at arbitration hearing

15. If, at the time appointed for the arbitration hearing of a dispute or matter, the applicant or any other party to the dispute or matter does not appear, a Board may, if it is satisfied that the applicant or such other party who does not appear has been duly notified of the arbitration hearing in accordance with regulation 14, proceed with the arbitration hearing and make such order as the Board thinks fit.

Summons to witness

16. A summons to any person to attend before a Board under section 96 of the Act shall be served on that person at least 7 days before the date of attendance specified in the summons.

Appearance of persons before Board

17.—(1) Without prejudice to section 94 of the Act, a Board may allow the following persons to appear in any mediation session, direction hearing or arbitration hearing before the Board:

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- (a) in relation to an application under Division 2 of Part VI of the Act, every person who has made a written submission under regulation 4(2)(b);
- (b) in relation to an application under section 84A, 84C, 84D, 84E or 84FA of the Land Titles (Strata) Act (Cap. 158) —
- (i) an authorised representative appointed under section 84A (2) of that Act; and
[S 360/2010 wef 15/07/2010]
 - (ii) a subsidiary proprietor of any lot in a strata title plan referred to in section 84A(4) or 84FA(4) of that Act, or a proprietor of any flat in a development referred to in section 84D(3) or 84E(5) of that Act, who has filed an objection with the Board in respect of such application.
[S 360/2010 wef 15/07/2010]
 - (iii) *[Deleted by S 360/2010 wef 15/07/2010]*

(2) Nothing in paragraph (1) shall prevent the Board from allowing any other person whom the Board considers necessary to appear in any proceedings before the Board.

Evidence

18.—(1) A Board shall not be bound to apply the rules of evidence applicable to civil proceedings in any court but may inform itself on any matter in such manner as it thinks fit.

(2) Before making an order in respect of any dispute or matter, the Board may make an on-site inspection of the premises which form the subject-matter of the dispute or matter.

(3) Notwithstanding paragraphs (1) and (2), the conduct of any party to any dispute or matter before a Board, or any confidential information that any such party had earlier disclosed to the Board during mediation thereof, shall not affect the Board's decision as an arbitrator in the dispute or matter.

Record of proceedings

19. The record of proceedings of any arbitration hearing before a Board shall be signed by the president or deputy president presiding.

Adjournment of hearing, etc.

20. Subject to section 84A(6A)(b), 84D(4A)(b), 84E(6A)(b) or 84FA(5A)(b) of the Land Titles (Strata) Act (Cap. 158), a Board may, in its discretion, adjourn a mediation session, direction hearing or arbitration hearing on any ground and may fix a time for a further mediation session or hearing.

[S 360/2010 wef 15/07/2010]

Withdrawal of application

21.—(1) An applicant may withdraw his application at any time before a Board brings about an agreement by mediation or has made an order.

(2) An applicant who desires to withdraw his application shall notify in writing the registrar and every other party to the dispute or matter to which the application relates.

(3) The Board may order the applicant to pay the costs incurred by —

- (a) every other party to the dispute or matter; and
- (b) the Board,

up to the time of service of his written notification.

Recording of orders of Board, etc.

22.—(1) The registrar shall cause every order made by a Board, and the date the order was made, to be recorded in a document signed by the president or deputy president presiding.

(2) An order made by a Board shall state the reasons for the order.

Service of order, etc.

23.—(1) The registrar shall cause a copy of an order made by a Board and certified by him to be served on —

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- (a) the applicant for the order or his authorised representative;
 - (b) every other party to the dispute or matter to which the application relates; and
 - (c) any other person who, in the opinion of the Board, may be affected by the order.

(2) A management corporation or subsidiary management corporation shall, within 72 hours of the receipt of an order served on it, cause a copy of the order to be prominently displayed on a notice board maintained by the management corporation on the common property or by the subsidiary management corporation on the limited common property.

PART IV MISCELLANEOUS

Fees

24. The fees specified in the second column of the Schedule shall be payable to the Board in respect of the matters set out in the first column.

Interpreter services

25. A party requiring the services of an interpreter at any attendance before the registrar or a Board shall notify the registrar 7 days before the attendance and shall pay for such services.

Service of documents

26.—(1) A Board may make an order directing that service of a notice or other document that is required under these Regulations to be served be —

- (a) effected by a solicitor acting for a party or that solicitor's clerk;
- (b) effected in a manner different from that provided in section 129 of the Act; or
- (c) dispensed with.

(2) Proof of the service of any notice or other document may be given by way of an affidavit.

Appeals to General Division of High Court

27. Where an appeal against an order of a Board is made to the General Division of the High Court under section 98 of the Act, the appellant shall, after the order or judgment of the General Division of the High Court is delivered to him, immediately serve a copy of the order or judgment on the registrar.

[S 1027/2020 wef 02/01/2021]

Waiver of procedural requirements, etc.

28.—(1) A Board may waive all or any of the requirements applicable to any person in these Regulations if the Board considers that there are exceptional circumstances justifying such waiver.

(2) A Board may extend the time required for the doing of any act under these Regulations.

(3) Paragraph (2) shall not authorise a Board to extend the period referred to in regulation 9B(2) and (3) for the withdrawal of objections after the notice of the Board's intention to issue a stop order is so served under regulation 9B(2).

[S 360/2010 wef 15/07/2010]

29. *[Deleted by S 30/2018 wef 15/01/2018]*

Saving

30. These Regulations shall not apply to any proceeding commenced and pending before any Strata Titles Board before 1st April 2005 and every such proceeding may be continued and everything in relation thereto may be done in all respects after that date as if these Regulations had not been enacted.

THE SCHEDULE

Regulations 3(3)(b) and 24

FEES

First column

Second column

 THE SCHEDULE — *continued*

- | | |
|---|---|
| 1. Application under section 84A, 84C, 84D, 84E or 84FA of the Land Titles (Strata) Act (Cap. 158) | <p>(a) \$5,000 for an application under section 84A, 84D, 84E or 84FA</p> <p>(b) \$1,000 for an application under section 84C</p> <p>(c) \$1,000 for each day or part thereof for arbitration hearing</p> |
| 2. Application under Division 2 of Part VI of the Act | <p>(a) \$500</p> <p>(b) \$300 for each day or part thereof for arbitration hearing</p> |
| 3. Attendance before a Board, whether for a mediation session under regulation 9 or a direction hearing under regulation 13 | <p>\$150 for each day or part thereof from the third attendance onwards</p> <p>No fee shall be payable for the first 2 attendances before a Board</p> |
| 4. For supplying a copy of a document | \$1 per page |
| 5. For certification of a copy of a document | \$5. |

[S 360/2010 wef 15/07/2010]

Made this 28th day of March 2005.

TAN TEE HOW
Permanent Secretary,
Ministry of National Development,
Singapore.

[ND 311/13-301 Vol. 7; AG/LEG/SL/30C/2004/8 Vol. 1]