

An orange-colored map of Singapore is centered on a blue background. The map shows the island's coastline and internal divisions. Overlaid on the map is the title text in a bold, black, italicized serif font.

STRATA HOUSING IN SINGAPORE

14TH SEA SURVEY CONGRESS
BANDAR SERI BEGAWAN 2017



STRATA HOUSING IN SINGAPORE

Strata-titled properties were introduced in Singapore almost 50 years ago with the enactment of the Land Title (Strata) Act in May 1968.



STRATA HOUSING IN SINGAPORE

Most Singaporean now live in strata-leased apartments and strata-titled properties

To date, there are more than 1.2 millions strata units in Singapore.



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Strata leased apartments

These are mainly public housing units sold by the government to the general population who qualified to own such properties.

The leasehold tenure of the units is 99 years .

These housing estates are governed by the Land Titles Act and Town Council Act.



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Strata leased apartments

Lessees are responsible for the upkeep and maintenance of their own strata unit.

The Town Council, which the apartment comes under is responsible for the upkeep of the common properties.



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Strata leased apartments

Lessees pay a fixed monthly maintenance fees to the Town Council, based on the room types of their strata unit.

Lessees also pay for car parking facilities.

They do not own the common areas and facilities



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Strata leased apartments

- 16 Town Councils



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Strata titled properties

These are private developments located on leasehold or freehold lands. Tenure of leasehold lands are commonly 99 years and 999 years

The communities in the condominium own, enjoy and are responsible for the upkeep the common facilities, such as car parks, lifts, sports and recreational facilities in their estates



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Strata titled properties

Maintenance and management of strata titled properties are governed by the Land Title (Strata) Act (LTSA) and Building Maintenance and Strata Management Act (BMSMA)



STRATA HOUSING IN SINGAPORE

Factors to consider when buying a strata titled property

- 1. Price**
- 2. Location**
- 3. Tenure**
- 4. Types of development**
 - a) Residential**
 - b) Mixed Development -
residential, offices and shops**
- 5. Quality of development**
- 6. Monthly maintenance fund**



STRATA HOUSING IN SINGAPORE

Purchasers need to know these :

1. **Strata Unit Entitlement
- Share Value**
2. **Duties of the Subsidiary
Proprietors**
3. **Duties of the Developers**
4. **Management Corporation**
5. **Maintenance & Sinking
Fund**
6. **Managing Agent**



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Purchasers need to know these:

- 7. Use of Common Property
- 8. Insurance
- 9. Resolving Disputes
- 10. Strata Title Board
- 11. Two Tier Management Corporation Scheme
- 12. Staged Development



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1. Share Value

- a) Determine the owner share in the common property of the strata development**
- b) Determine the amount of maintenance fund the owner has to pay for maintaining the common property**
- c) The voting right of the unit owner**



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1. Share Value

- d) The Commissioner on Buildings provide guidelines to help developers determine share values of strata developments**
- e) The main principle is based on perceived usage of the common facilities**



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1. Share Value

**f) For residential properties –
Floor areas is used to determine the number of occupants that is likely to live in the apartment.**



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1. Share Value

f) For residential properties

– share value allotted based on floor area grouping of 50 sq m.

Floor Area (m²)	SV in whole number
50 and below	5
51 to 100	6
101 to 150	7
151 to 200	8
201 to 250	9
251 to 300	10

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1. Share Value

**g) For mixed development
– different weight
factors are used for
unequal usage of
common facilities
among different group
users.**

**For example shops which
use more air-conditioning
and escalators are allotted
higher share values**



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2. Duties of SUBSIDIARY PROPRIETORS (SP)

- a) required to pay certain amount levied by Management Corporation to help maintain and manage the common property**
- b) maintain external features which are part of SP strata unit, for example external openable windows and pipes which are exclusively used by the SP**



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2. Duties of SUBSIDIARY PROPRIETORS (SP)

- c) inter floor leakage -
the SP and his neighbour
had to jointly establish the
cause of the leak and
proceed with the repair
works.**

**The cost of repairs should
be resolved by both owners**



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2. Duties of SUBSIDIARY PROPRIETORS (SP)

- d) Comply with notice by public authorities on matters relating to maintenance of the SP unit.**
- e) SP and occupiers are obliged to comply with by-laws make by MC regarding use and enjoyment of the common property and strata units.**



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2. Duties of SUBSIDIARY PROPRIETORS (SP)

f) MC approval is required for improvement to strata unit which increase the Gross Floor Area of the development. In some cases, consent from approving public authorities are also required . For example, putting a slab over a void area in the strata unit.



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3. Duties of the DEVELOPER

- a) Obtain approval from Commissioner of Buildings (COB) before collecting maintenance fund from SP.
- b) required to pay maintenance charges for all unsold units and those units not handed over to SP after the maintenance fund is established.



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3. Duties of the DEVELOPER

- c) Require to keep proper books of account for the development. Certified copy of annual audited account must be filed with the COB.**
- d) MC is automatically formed when the Strata Title Plan is lodged with the Chief Surveyor and a strata title application is made with the Registrar of Titles**



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3. Duties of the DEVELOPER

- e) ALL SPs are members of the MC**
- f) Initial Period –
Day MC was formed to the 1st AGM.**
- g) Developer play the Role of the MC during the Initial Period**



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3. Duties of the DEVELOPER

h) Developer require to transfer all the money collected to the MC bank account and keep proper books of accounts for auditing.



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3. Duties of the DEVELOPER

- i) During the initial period, the Developer/MC cannot do the followings unless approved by COB**
 - i) amend, add or revoke by-laws**
 - ii) grand easement or restrictive covenant**
 - iii) execute transfer of common property**



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3. Duties of the DEVELOPER

- iv) Make contract that transfer rights and control beyond initial period**
- v) Borrow money or give securities**
- vi) Appoint Managing Agent beyond initial period**
- vii) Alteration or development of common property can only be executed through special resolution**



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4 Management Corporation (MC)

**The BMSMA empower
MC of each strata
development to govern
and control the common
property.**

**MC should be self governing
and manage its own
domestic affairs**

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STRATA HOUSING IN SINGAPORE

4 Management Corporation (MC)

**The Council of the MC is
a representative body
of members elected
among the SPs**

**Administer the day to day
running of the strata
development and is
elected at each AGM.**



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4. Management Corporation (MC)

Responsibilities :

- i) Keep accounting records and financial statements for 7 years. Annual audit of accounts**
- ii) Keep Strata Roll**
 - a register of owners, mortgagees and share values of each lot in the strata development.**



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4 Management Corporation (MC)

Restrictions on MC:

- i) Matters that must be decided by general meetings**
- ii) Matters that have been decided by general body to put restriction on the MC.**

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5. Contribution to Maintenance Fund

SPs in a development have to pay contributions to maintain the common property and ancillary expenses.

All the levies SPs have to pay are in proportion to the share value of their strata unit.



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5. Contribution to Maintenance Fund

**Two forms of
Contributions:**

- a) Management Fund**
- b) Sinking Fund**



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5. Contribution to Maintenance Fund

Maintenance Fund:

- i) Cost of looking after the strata development
- ii) Payment of insurance premium
- iii) Expenses not covered by Sinking Fund



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5. Contribution to Maintenance Fund Sinking Fund

- i) Painting of property
- ii) Acquiring of movable property
- iii) Replacing any fixtures in common property
- iv) Replacing or making good of common property
- v) Any debts that are not covered by management fund
- vi) Other capital expenses



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6. Managing Agent (MA)

MC may employ the services of a Managing Agent to help the day to day running of the strata development. The tenure is a maximum of 3 years subject to performance review at AGM



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6. Managing Agent (MA)

Duties and Liabilities

MC may delegate to the MA part or all of its power, duties and functions. The delegation can be done by ordinary resolution at General Meeting

MA in exercising the delegated authority of the MC will be liable for any contravention of the BMSMA



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7. By-Laws on the use and enjoyment of Common Property

BMSMA provide a set of By-Laws or Rules for SPs and Occupiers to obey so as to enjoy living with other residents in the strata development.

Every MC must adopt these By-Laws.

MC may also make additional By-Laws .



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7. By-Laws on the use and enjoyment of Common Property

Compulsory By-Laws include:

- a) Noise**
- b) Obstruction of Common Property**
- c) Drying of Laundry**
- d) Cleaning of windows**
- e) Car parking**
- f) Behaviours of Residents and Visitors**
- g) Garbage Disposal**
- i) Keeping of Animals**
- j) Control on use of facilities**



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8. Insurance

Every building in a strata development must be insured against fire, lightning and explosion or any other occurrence that may be specified in the policy.



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8. Insurance

**MC must also take out
the following insurance:**

- a) Insurance under the
Workmen's Compensation
Act**
- b) Public Liability Insurance for
damage to property or death
or injury to any person that
may occur on the common
property**



STRATA HOUSING IN SINGAPORE

9. Resolving Disputes

3 Types of Disputes:

- a) Between Purchasers and Developer**
- b) Between SPs and MC**
- c) Among SPs**



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9. Resolving Disputes

Between Purchasers and Developer

Developers of private housing projects come under the purview of Housing Developers (Control and Licensing) Act (HDA) which regulates the development and sales of uncompleted private residential properties in Singapore.

To protect the interests of buyers and avert disputes after purchase, Developers are required to comply with Rules made under the HDA. These Rules are regularly review and amended.

STRATA HOUSING IN SINGAPORE

9. Resolving Disputes

Between Purchasers and Developer

Key Requirements

- a) Developer of a housing project of more than 4 units require a licence from Controller of Housing (COH).
Licence will be issued based on track records
- b) Developer require to open and maintain a Project Account for each housing project
- c) Information on the project and sale of housing units have to be submitted to the COH on a weekly basis.
- d) No false or misleading in their advertisements in respect of housing project

STRATA HOUSING IN SINGAPORE

9. Resolving Disputes

Between Purchasers and Developer

Key Requirements

- e) **Used standard Option to Purchase and Sales And Purchase Agreement Forms prescribed by COH for sales of units. Information to be included in the forms include:**
 - i) **indicate the value of any benefits offered to buyers**
 - ii) **restrictions on the purchaser during the INITIAL PERIOD**
 - iii) **floor to ceiling height of strata unit**
- f) **Provide mandatory information on the unit and development to purchaser before accepting booking fee:**
 - i) **scaled location plan**
 - ii) **unit floor plan**
 - iii) **breakdown of floor area of the unit**
 - iv) **share value**
 - v) **survey fees**
- g) **Show unit provided must be same size as what is to be built.**

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9. Resolving Disputes

Effective July 2015, additional requirements to avert disputes between Developer and Buyers are implemented :

a) Height of Strata Unit

Floor to Ceiling Height must be stated in the Sales & Purchase Agreement.

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9. Resolving Disputes

b) Show Unit

Show Unit must constructed based on approved plans, viz

- i) Actual Floor Area**
- ii) Actual thickness of columns and walls**
- iii) Any wall or internal partition not built must be clearly marked and indicated on the floor with solid lines**
- iv) A list of materials, finishes, fittings and appliances to be provided must be displayed in the show unit**
- v) A drawn to scale floor plan of the show unit must be displayed at the entrance of the show unit**

STRATA HOUSING IN SINGAPORE

9. Resolving Disputes

Between SPs and MC & Among SPs

With people of different backgrounds and interests staying in the same strata development, there bound to be disagreements and disputes.

Practicing good neighbourliness and adopting a give and take attitude will help to avert many disputes



STRATA HOUSING IN SINGAPORE

9. Resolving Disputes

Ways to resolve disputes are:

- a) Talking to the other Party**
- b) Seeking Mediations**
- c) Refer disputes to
Strata Title Board**
- d) Referral to the Court**
 - for disputes outside
the jurisdiction of the
STB**



STRATA HOUSING IN SINGAPORE

10. Strata Title Board (STB)

STBs are tribunals established under the BMSMA to mediate and hear applications relating to :

- a) orders for collective sale of property under Land Title (Strata) Act**
- b) certain disputes arising in respect of from strata titled property**



STRATA HOUSING IN SINGAPORE

10. Strata Title Board (STB)

STB is made up of a panel of 30 members who are lawyers and experience practitioners in the building industry

A STB is constituted to hear each dispute.

The decisions of STB are final.

Appeal can only be made to the High Court on the question of law.



STRATA HOUSING IN SINGAPORE

10. Strata Title Board (STB)

- Recent disputes resolved

- a) Mechanized car parking system damaged and not repaired by MC for more than one and half year. SPs forced to park their cars illegally along public road outside their condominium. MC embroils in contracture issues with the contractor who installed the system instead of repairing the system
- b) SP installed invisible grilles at balcony for safety of their young children. MC claimed the installed grilles were not consistent with the façade of the buildings.
- c) MC could not paint the external wall due to water seepage from residential units. SPs required to re-do the water proofing their flats to prevent water seepage to the external walls.
- d) Leaking sewerage pipe serving upper unit damage false ceiling of lower unit. Part of the pipe was protruding within the strata space of the lower unit. SP of upper still responsible for repair as the was serving his unit

STRATA HOUSING IN SINGAPORE

10. Strata Title Board (STB)

- Recent disputes resolved

- e) Leaking bathroom water pipe damage kitchen fittings of adjacent unit
- f) Prolong air conditioning at low temperature of lower unit , caused condensation and formation of mould on the floor of the upper unit resulting in damages to the timber flooring.
- g) MC against SP to repair a defective beam above the master bedroom. The judgement was, if the beam is not considered a common property then SP is responsible to repair the defects. If the defects in the beam amount to structural defects, the MC is responsible.
- h) MC against SP for carrying out renovations without MC approval. Renovations caused changes to the building facade and common areas. SP argued that approval was given by MA who was acting on behalf MC. Case was dismissed.
- i) SPs against MC to null and void AGM or EGM held and resolutions passed.

STRATA HOUSING IN SINGAPORE

11. Two – Tier MC Scheme

Made up of 2 levels of management;

Main MC at the 1st tier

One or more Sub-MCs at the 2nd tier

Each Sub-MC represents the interest of a particular group of owners with common interest.



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11. Two – Tier MC Scheme

For a mixed use development

1st tier MC take care of the common property used by all SPs like driveway and car parks

2nd tier residential Sub-MC take care of the swimming pool meant for their use only.

2nd tier commercial Sub-MC take care of the central air conditioning of the shops



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11. Two – Tier MC Scheme

**Factors to consider
whether a development
is eligible are :**

- a) design of the
development**
- b) types of user groups
in the development**
- c) type of common
property**



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11. Two – Tier MC Scheme

Examples of eligible developments:

- a) mix of residential lots and non residential lots. – apartments and retail shops**
- b) non-residential lots used for different purposes. - office and retail shops**



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11. Two – Tier MC Scheme

- c) non-residential lots used for the same purpose that are detached from other lots. - 2 office blocks, each with strata area of more than 5000 m²
- d) different types of residential lots.
 - apartment block with lift and one without lift



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11. Two – Tier MC Scheme

Limited Common Property (LCP)

LCP is part of the common property that is marked out for the exclusive benefit and management of the SPs that make up a particular Sub-MC

The layout, boundaries and other physical aspects must be clearly identifiable and capable of being marked on describe in the Strata Title Plan



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11. Two – Tier MC Scheme

Limited Common Property (LCP)

**LCP is a critical criteria
for Two-Tier MC**

- a) LCP must be clearly
identifiable to avoid
disputes among MC
and Sub-MCs**
- b) Each LCP is used and
managed by one
Sub-MC, cannot be
shared by two or more
Sub-MCs**



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11. Two – Tier MC Scheme

Limited Common Property (LCP)

- c) To facilitate the use and management by SPs of a Sub-MC, the LCP should not be physically separated from the Sub-MC group but within its boundaries
- d) For small development with small common property, it is more practical not to have LCP



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11. Two – Tier MC Scheme

Limited Common Property (LCP)

e) There should be sufficient strata lots in a Sub-MC to ensure there are enough members to serve in the executive committee and also a critical mass to give economies of scale for maintenance.



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11. Two – Tier MC Scheme

Formation of Sub-MC

For new development, a Sub-MC is legally formed when the Strata Title Plan that demarcates its LCP is filed and registered with the Chief Surveyor and Registrar of Titles, respectively.

The is also provision for existing developments to form Sub-MC



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11. Two – Tier MC Scheme

Function and Administration of Sub-MCs

A Sub-MC has the same powers and duties as the MC over its LCP and Strata Lots only

Keep its own maintenance and sinking fund.

Make By-laws relating to its LCP

Represented in the MC by at least one executive member



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11. Two – Tier MC Scheme

Things Sub-MCs cannot do:

- a) execute a transfer of the LCP, amalgamate or made an addition to the LCP**
- b) accept or surrender a grant of easement or restrictive covenants**
- c) allow improvement and additions to strata lots**



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11. Two – Tier MC Scheme

Things Sub-MCs cannot do:

- d) maintain the strata roll**
- e) insure every subdivided building in the development**
- f) take care of structural defects in the development**



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11. Two – Tier MC Scheme

Contributions by SPs of Sub-MCs

SPs have to contribute to both maintenance and sinking funds of both the MC and Sub-MC they belong to, as there are common property and LCP to be maintained



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12. Staged Development (SD)

Project that is built in a few stages instead of all at once.

Allow the Developer to change the type of development at the later stages



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12. Staged Development (SD)

Developer may plan to build a residential block in the first stage and an office block in the second. Later he may decide to build retail shops. He is allowed to do so provided such changes are stipulated in the Sale & Purchase Agreement signed between Developer and Purchaser.



The SD Contract must be approved by the COB

STRATA HOUSING IN SINGAPORE

12. Staged Development (SD)

Changes in development at the later stage will affect the Share Value allotted earlier for the whole development Staged Development Contract must include the followings:

- a) the range within which the Share Value will change**



STRATA HOUSING IN SINGAPORE

12. Staged Development (SD)

b) Warranted development

Development warrants by Developer to be constructed. If in default, he can be compelled by law to do so.

c) Authorized Proposals

Proposed development the Developer is authorized to carry out, but may not do so. He cannot be compelled by law to do so.



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12. Staged Development (SD)

- d) description of development at each stage**
- e) statutory covenants between Developer, SPs and Mortgagees**
- f) liability of Developer when he use the common property of the completed work for construction of the subsequent stage**
- g) by-laws or easements to be created on the land parcel**



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12. Staged Development (SD)

**Amendment to SD
Contract must be
accepted by COB.
Owners, Purchasers
and Mortgagee must be
informed of any changes
by the Developer**



STRATA HOUSING IN SINGAPORE

Roles of Registered Surveyors

**Sales of Property
(compliance with HDA)**

**Prepare Sales Agreement Plan
Compute & Obtain Schedule of
Share Values**

**Calculate & Confirm Strata Areas
Certify Floor to Ceiling Heights
Estimate of Survey Fees**

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STRATA HOUSING IN SINGAPORE

1st Aug 2017 - Amendments to the BMSMA

Key proposed changes to the Act

ITEM	EXISTING PROVISION	PROPOSED CHANGE
Proxy system	No restriction on number of proxies a person can hold	Each person can be proxy holder for either 2 per cent of total lots in the development or two owners, whichever is higher
Payment to Council Members	nil	MCSTs have the option of paying council members an honorarium, subject to a cap of S\$250 per year each
Segregating role of treasurer from chairperson and secretary	A council member can be appointed to one or more of the offices	Treasurer cannot concurrently be chairperson or secretary in developments with more than 10 lots
Approval of maintenance charges	Developer must seek approval from Commissioner before collection of maintenance charges	Developer has to seek approval before the sale of any strata lot
Safety grilles	nil	Where there are no design guidelines, the MCST shall not prevent owners from installing safety grilles to prevent harm to children
Contribution to maintenance fund	Developer has a 3-month grace period from date of temporary occupation permit (TOP) for sold units that are not yet handed over to buyers	For such units, the developer will be given a 4-week waiver from the date of TOP
Definition of common property	Refers to elements in the strata title plan not embedded in any unit and can be used by occupiers of 2 or more units	To include key structural elements (foundations, beams, columns) of the building, fire sprinkler and central air-conditioning systems, any conduit, pipe, cable, ducts that services two or more lots but may be embedded within one strata lot
Council membership in mixed-development	MCST will determine the council members at AGM but not exceeding 14 persons	For single-tier MCST, each property user group (residential/office/commercial) is automatically allocated one seat in the Council

There are a total 33 items in the proposed amendments. This list is non-exhaustive.

STRATA HOUSING IN SINGAPORE

1st Aug 2017 - Amendments to the BMSMA

to remove ambiguities in existing provisions and address recurring issues that cropped up in past disputes between MCSTs and owners of strata units.

improving the governance and transparency in the management of strata-titled developments

to allow owners to install safety grilles to protect children where there are no design guidelines for the development

definition of "common property" in the BMSMA to include key structural elements of the building, following court cases in recent years that took issue with the ambiguity of the current definition.

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Thank You

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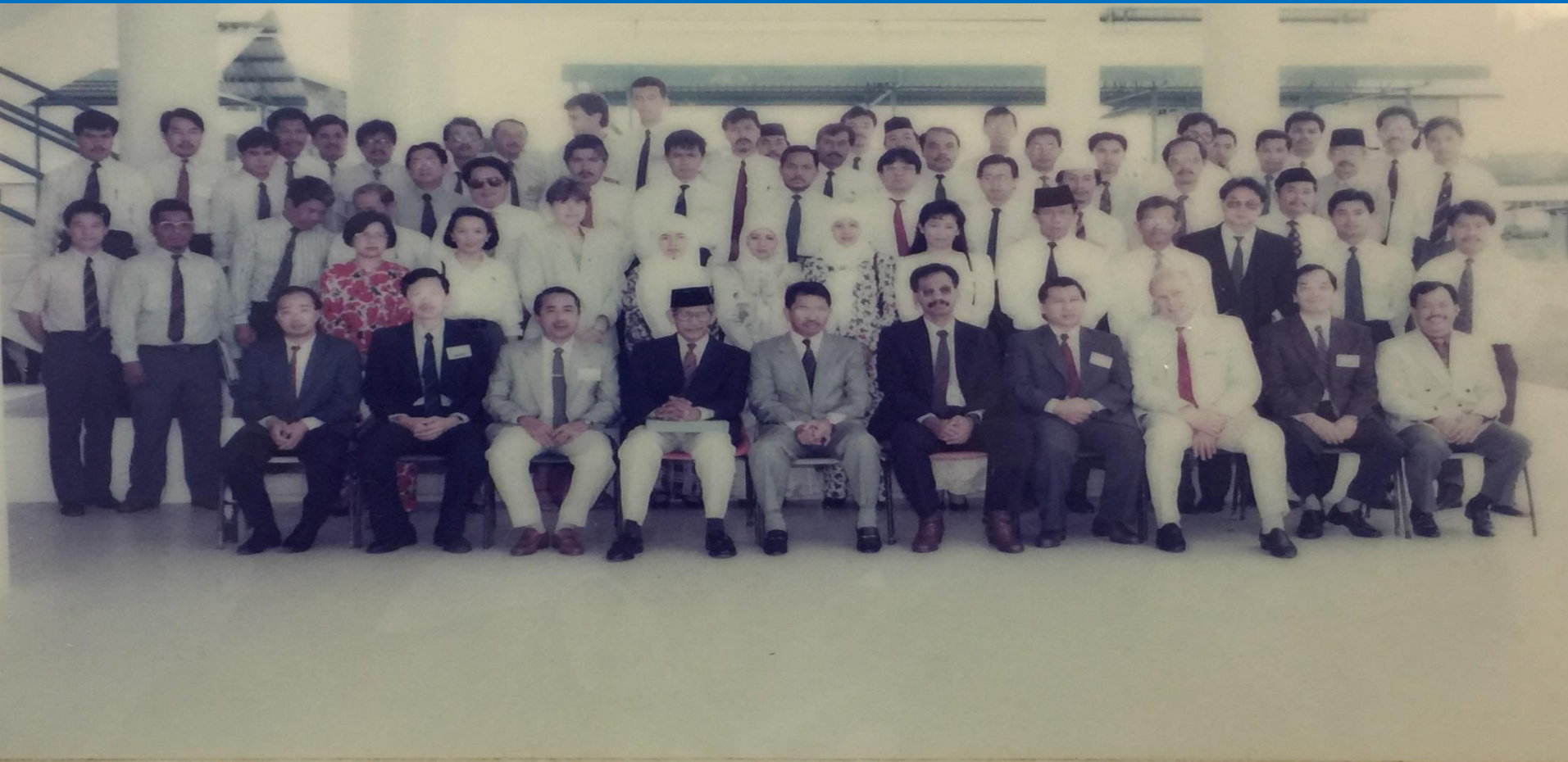
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**4TH SEMINAR : LAND SURVEYING - BASIS FOR DEVELOPMENT
5TH - 6TH MARCH 1991
ORGANISED BY THE SURVEY DEPARTMENT, MINISTRY OF DEVELOPMENT
NEGARA BRUNEI DARUSSALAM**

Sitting (L-R) Newas bin Ukoī, See Seng Guan (Singapore), Haji Mohd Nordin bin Haji Sabran (Malaysia), Dato Seri Laila Jasa Awang Haji Mohd Salleh bin Haji Hidup (Permanent Secretary), Pg Dato Seri Paduka Dr Haji Ismail bin Pg Haji Damit (Minister for Development), Dato Paduka Awang Haji Yunos bin Mohd Noh (Surveyor General), Hepnie bin Haji Abg. Abu Hanafiah, Sune Anderson (Sweden), Leung Shou-Chun (Hong Kong), Pg Haji Matusin bin Pg Haji Matasan

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Submission of STPLCP sample.pdf