

# CASE UPDATE



## STRATA TITLES BOARD ORDERS MCST TO PAY COSTS AFTER MATTER IS RESOLVED AT MEDIATION

22 December 2017

1. The Management Corporation Strata Title Plan No. 364 is the management corporation constituted in respect of the development known as Nassim Mansion.
2. In early 2017, two (2) occupiers of a unit within Nassim Mansion, applied to the management corporation for approval to install safety grilles at three (3) balconies in their unit, for the safety of their young son. This was not acceded to by the management corporation.
3. The occupiers applied to the Strata Titles Board in STB No. 46 of 2017 for an order that the management corporation consent to their application to install safety grilles.
4. At the 2<sup>nd</sup> mediation of the matter by the Strata Titles Board in August 2017, the management corporation agreed to a consent order by the Strata Titles Board that it allow the occupiers' application to install safety grilles. However, parties were unable to agree on costs. The Strata Titles Board therefore proceeded to hear both parties on costs at an arbitration hearing. No affidavits had been filed at this point.
5. The Strata Titles Board held that although it may well be that there was no bad faith on the part of the management corporation, the application by the occupiers was not unnecessary or frivolous.
6. The Strata Titles Board, considering the nature of the application, the circumstances and the time of the consent order and the submissions of parties and the scale of costs in Part II, Appendix 2 of the Rules of Court, ordered that the management corporation pay the occupiers costs fixed at **S\$4,000.00** inclusive of fees and disbursements.

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