

CASE UPDATE



STRATA TITLES BOARD ORDERS MCST TO PAY \$6,000 IN COSTS AFTER IT CONCEDES TO AN APPLICATION FOR SAFETY AWNING

1. The Applicant is the subsidiary proprietor of a ground-floor unit in the development known as Casa Aroma (“the Development”). The Respondent, The Management Corporation Strata Title Plan No. 2795, is the management corporation constituted in respect of the Development.
2. Around November 2021, in view of multiple instances of objects falling from height into and around the private enclosed space just outside the front door of her unit, the Applicant started works to extend her existing awning to mitigate the risk of being hit by objects falling from above. She then applied to the Respondent for approval. However, the Respondent refused to grant its approval.
3. The Applicant, represented by Mr Daniel Chen of Lee & Lee, therefore applied to the Strata Titles Board in STB No. 9 of 2022 for an order that the management corporation consent to the awning extension.
4. During the first mediation session on 28 March 2022, no agreement was reached, and the Respondent’s counsel suggested an adjournment to take instructions from the Respondent on a possible proposal to the Applicant.
5. However, the only proposal conveyed to the Applicant was made minutes before the second mediation session on 22 April 2022, and simply that the Applicant put up an umbrella at her private enclosed space.
6. At a directions hearing immediately following the second mediation, the Respondent insisted on filing affidavits of evidence-in-chief for hearing despite the Applicant’s indication that she was prepared to proceed to hearing without the same.
7. On 23 May 2022, after the Applicant had incurred costs to prepare and file her affidavit of evidence-in-chief and written submissions, the Respondent indicated to the Board that it would be consenting to orders in terms of the application sought by the Applicant, subject to costs being fixed by the Board.
8. The Strata Titles Board proceeded to hear both parties on costs at an arbitration hearing, and ordered that the Respondent pay costs (inclusive of disbursements) fixed at **S\$6,000.00** to the Applicant.

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9. In making the order for costs, the Strata Titles Board stated that:
- (a) It noted that the Respondent consented to an order in terms of the application only after the directions hearing.
 - (b) It had considered the work done on the part of the Applicant before she was informed that the Respondent would be consenting to the application.
 - (c) It had considered the actions of the Respondent after directions were given for hearing.
 - (d) It had considered the case of *The MCST Plan No. 364 v Henning Terwey and Cregan Virginia Joan* STB 46 of 2017, as cited by the Applicant, where the Strata Titles Board awarded costs of S\$4,000 in favour of the occupiers after the management corporation had agreed, at the second mediation, to a consent order by the Strata Titles Board that it allow the occupier's application to install safety grilles.

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