

Adverse Comments In Judgements

Strata Titles Board

Para 15: It is apparent that the 14th floor SPs had constructed their fixed awnings and/or removed the brick walls proceeded on the belief and premises that the Respondent had authorized them to do so. [The Respondent did not deny that they gave such authority.](#)

Para 33 (when ordering that each party bear its own costs): [The Respondent and their predecessors in the administration of their duties under the BMSMA are not without fault.](#)



Made by High Court

Para 10: The appellant had sent a proxy to attend the meeting, who informed the meeting that item b required a 90% resolution and item c required a special resolution. [However, in spite of this, the then chairman of the management council](#)

[indicated that the council had taken legal advice and was content to proceed by way of an ordinary resolution.](#)

Para 49: The STB made the point that the affected 14th floor SPs ought to be heard in their defense. I agree to the



Gardens@Bullion: Pseuderanthemum

extent that, insofar as they might have [some claim against the MCST for having misled them into believing that their additions and alterations were legal and authorized, these affected 14 floor SPs would be entitled to bring](#)

[claims against the MCST to seek legal recourse.](#)

Para 63 & 64 (on Nov 2019 resolution authorizing those who report to Mgt office to continue to be allowed to use their unauthorized constructions): “In my view, this is a rather [cynical abuse](#) of the approach envisaged by Parliament and set out in s 33 of the BMSMA for the grant to exclusive use of special privileges over common property”. “[In my view, this is undoubtedly an invalid resolution](#)”

Para 69: “it would be an improper and illegal use of the procedures set out in s 33 of the BMSMA if one could effectively accord to SPs exclusive use of or special privileges over common property indefinitely by the

passing of special but not 90% resolutions every 3 years in cases where the intended use or privileges involves changes to the common property that are permanent in nature. In my view this appears to be the true intent of the respondent, whose management council members do not want to face up to the realities of the situation they are presently in and to accept the fact that the previous management council members might not have carried out their duties in accordance with what is required by the BMSMA.