

Resolution 3.2 and 3.3:

Strong Caution Needed

Resolution 3.2 and 3.3 are submitted by 2 SPs from the 14th floor, **I understand the Resolutions were written by a**



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renowned law firm, so it is necessary to exercise extreme care when voting. I had mentioned elsewhere in the website that under para 4 of the First Schedule of the BMSMA, the Chairman should declare the Resolutions Out of Order on the grounds that Supplementary Budgets, under the BMSMA, are required to be proposed by the MCST, not SPs, but I have heard no word that he intends to do so. If these resolutions are put to a vote, it can easily pass, since it requires only 50% of SPs to vote in favour.

For the info of SPs, whilst I have advocated all along that the MCST should compensate the SPs on 14th floor because the Courts have stated that “they may have a case against the MCST”, the Courts have not mentioned the quantum of compensation.

When compensation is being considered, it is normal to consider the contribution to the problem caused by both parties. Let me illustrate, if a motorist injures a pedestrian but the pedestrian was crossing when the red light was against him, he will receive only a portion



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of the compensation ordered, as he contributed to the accident. Similarly, in this scenario, the 14th floor contributed to the problem as they were aware the MCST was not in a position to give approval, but nevertheless continued to ask for

approval, until they got it. Since they contributed to the problem, the compensation cannot be 100%, i.e. it cannot be on a “full indemnity basis”. In



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addition, there is the question of wear and tear, since the construction has been used by the SPs for a lengthy period of time. Plus, the fact that every individual SP is different, as each has his own situation to consider.

If this resolution passes, the MCST's hands are completely tied, it cannot negotiate at all, since the Resolution will become a by law. And the MCST will be compelled by the by law to compensate based on the basis stated, i.e., “on a full indemnity basis”. It is **OUR money** that

the MCST will be using. HOW MUCH will this come to? MCST's Resolution 4 sets an amount of \$100,000, in other words, MCST thinks \$100,000 will be enough to compensate the 14th floor. The 14th floor SPs themselves think the figure should be \$200,000 (stated in their Resolution 3.2), the two figures are already 100% apart. However, in a WhatsApp message circulated by “a group of concerned SPs”, a figure of \$550,000 was mentioned.

So please be very careful when you vote, I urge everyone to vote AGAINST the resolution, as this will allow the MCST to negotiate a fair quantum of compensation based on the market norm, not based on a method proposed by well known lawyers designed to protect only their own clients' interests.



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