



The extended awning (left) on the unit below Ms Mu Qi's 15th floor apartment at Bullion Park condominium (right). Ms Mu and her husband had taken the condo management to court when the Strata Titles Board declined their application last year to have the 14th-storey unit owner remove the installation. The High Court judge said the erections and alterations were made on "common property" for which the MC was rightfully sued. PHOTOS: DESMOND FOO, COURTESY OF MU QI

Court gives condo MC 3 months to get 90% nod or remove awnings

Court finds Strata Titles Board had erred and reverses decision

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The owners of a 15th storey unit at Bullion Park condo in Lentor Loop objected when their neighbours one floor below erected an awning over their balcony that collected dust and caused excessive glare. This first happened in 2011. They took the condo manage-

ment to the High Court when the Strata Titles Board (STB) declined their application last year to have the 14th-storey unit owner remove the installation.

The court last month reversed the STB's decision and ordered the awnings removed unless the management corporation can, within three months, get 90 per cent approval from unit owners to keep existing awnings over balconies on the 14th-floor units.

The issue involved only 14th-floor units which were unique in having balconies in the tower blocks of the condo development. The court allowed the appeal of 15th floor unit owner Mu Qi and her husband, who had sought an order to remove the awning over the balcony of the unit below their apartment.

Justice Ang Cheng Hock ruled that the condo's management corporation (MC) had not obtained the requisite 90 per cent approval of the condo development's unit owners as required under the Building Maintenance and Strata Management Act for the alterations.

The STB had declined to order the MC to remove the unauthorised structures because the affected 14th floor unit owners were not named as parties in the proceedings.

"Whether the STB erred in law in coming to this conclusion is the main issue in the appeal before me," noted Justice Ang in decision grounds last month.

The couple had applied to the

STB for the MC to remove the awnings installed on the external walls of the 14th floor units and for the MC to reinstate the external walls of the development that had been demolished by the owners of the 14th-floor units and replaced with sliding glass doors.

Justice Ang said the erections and alterations were made on "common property" for which the MC was rightfully sued.

"The STB made the point that the affected 14th floor (unit owners) ought to be heard in their defence," said Justice Ang in judgment grounds last month. I agree to the extent insofar as they might have some claim against the MC for having misled them into believing that their additions and alterations were legal and authorised."

But he said the owners would have no leg to stand on if the MC was ordered to remove any illegal structures and return common property to its original form.

Justice Ang said the only possible defence is if the owner of a particular 14th-floor unit could show that he needed the awning for valid

safety reasons.

On the application of the MC's lawyers Lim Seng Siew and Eric Lip for a three-month grace period, Justice Ang sent the case back to the STB to make the necessary orders for the respondent to remove the fixed awnings and restore the demolished external walls if the necessary 90 per cent resolutions for the modifications could not be obtained in three months.

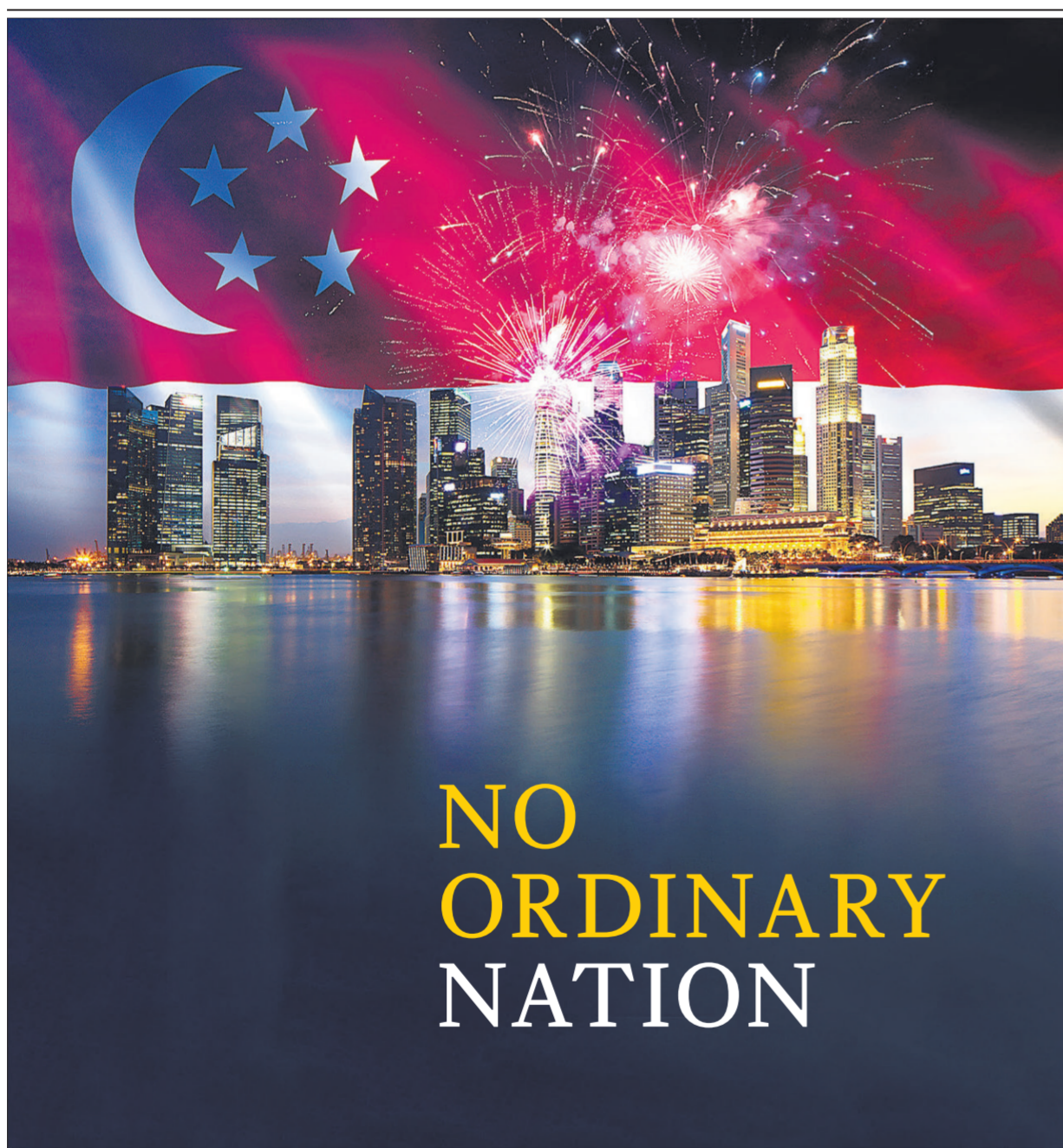
The lawyer for the couple on the 15th floor, Mr Jenson Lee Xiancong from Taylor Vinters Via, said on their behalf to The Straits Times that his clients had no alternative but to commence legal proceedings, noting that during the 2018 and 2019 annual general meetings, the MC tried obtaining the required 90 per cent support by drafting resolutions in a certain manner but failed on both occasions.

"During the past 10 years, our clients suffered a lot of pain due to the heat, reflection of the light, noise, blocked views, dust, security issues as a result of the extensive awnings.

"The husband also has a chronic condition and their daughter, an allergy condition, but they had to bear with these adversities.

"This High Court decision has vindicated our clients' claims and grievances and they hope that, with this High Court decision, no one will have to go through what they have gone through over the past decade," he added.

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NO ORDINARY NATION

This National Day, we remember that we are no ordinary nation. Times have been tough, but we know we will always prevail as we have done before, and will do so again.

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Chief exec roles at AGC and SAL reflect growing demands of managing legal work

Growing demands in managing legal work amid shifting complexities have underlined the role of the chief executive in major law enterprises such as the Attorney-General's Chambers (AGC) and the Singapore Academy of Law (SAL), say industry observers.

The AGC, which created the new post of chief executive in January and appointed legal veteran Hui Choon Kuen, said the move was meant to provide the best support for staff managing increasingly complex work.

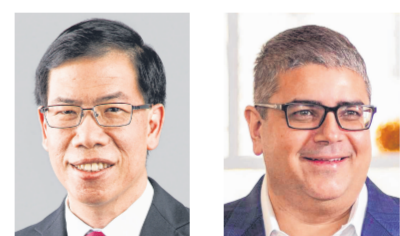
SAL's chief executive Rama Tiwari, who replaced the retiring incumbent in February this year, said he aims to leverage his international experience in the technology sector to assist the legal profession in this time of great change.

Melbourne-based observer Dharmendra Yadav, a consultant at innovation and strategy firm Alpha Creates, said: "Chief executives in legal organisations are critical in realising the strategic imperatives of the organisation.

"Beyond running the organisation's day-to-day activities, they are pivotal in steering the priorities of that organisation for the benefit of the legal sector."

Mr Dharmendra, a Singapore-trained lawyer, cited examples of chief executives in the Law Society and the Singapore Corporate Counsel Association, in addition to the SAL and AGC.

"It is in these priorities that I find a lot of convergence in the work of



Mr Hui Choon Kuen (left), chief executive of the Attorney-General's Chambers, and Mr Rama Tiwari, chief executive of the Singapore Academy of Law, took on their roles early this year.

high standards of integrity and discipline.

Mr Hui said: "As the principal legal adviser to the Government and the prosecutor for the state, the AGC is one of the largest law firms in Singapore.

"Given the importance of their work, the lawyers in the AGC deserve the best possible support for them, especially as the work becomes increasingly more complex."

He added that 2020 was a very challenging year for the AGC, with the spike in urgent requests for legal services as the AGC supported the Government in its fight against the Covid-19 pandemic, among other things.

SAL's Mr Tiwari said the statutory body has grown in tandem with the legal sector over more than 30 years.

"It is important for me to keep close to the ground to understand the issues faced by members and staff and make sense of the challenges on the horizon.

"This will allow me to coach the SAL team on dealing with existing member issues while preparing members and staff to deal with challenges ahead," he said.

Mr Tiwari brings with him more than 20 years of experience in the private sector, where he held senior positions as vice-president in a bank and as a global sales lead for a US technology company, where he also served as legal counsel.

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these legal industry bodies," he said.

An AGC spokesman, in responding to The Straits Times' queries, said: "The appointment of a chief executive for the AGC reflects the growing demands on the organisation and the complexity of managing legal work and operations."

Mr Hui was previously a deputy chief counsel and a deputy chief prosecutor before that.

He is concurrently dean of the AGC Academy, which handles training and knowledge management in AGC.

As chief executive, Mr Hui, among other things, is responsible for the Legal Profession Secretariat, which assists the Attorney-General in the discharge of his functions under the Legal Profession Act.

In heading the secretariat, Mr Hui oversees the professional conduct of lawyers to ensure that they, as officers of the court, uphold