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**BUILDING (STRATA MANAGEMENT) ACT
BUILDING MAINTENANCE AND STRATA MANAGEMENT
(STRATA TITLES BOARDS) REGULATIONS 2005**

STB No. 36 of 2026

In the matter of an application under section(s) **101(1)(c), 103(1), 105 and 106** of the Building (Strata Management) Act in respect of the development known as **ROBINSON SUITES** (MCST Plan No. **4502**)

Between

Boon Trading Pte Ltd

... Applicant

And

The MCST Plan No. 4502

... Respondent

GROUND OF DECISION

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... Respondent

25 September 2026

16 October 2026

Coram:	Mr Alfonso Ang	(President)
	Dr Lim Lan Yuan	(Member)
	Ms Elaine Chew	(Member)

INTRODUCTION

1. The Applicant, Boon Trading Pte Ltd, is the subsidiary proprietor (“**SP**”) of the three ground-floor shop units at 50 Robinson Road, #XX-XX, #XX-XX and #XX-XX, Robinson Suites, Singapore 068882 (the “**Units**”). The Respondent is the Management Corporation Strata Title Plan No. 4502 (the “**MCST**”) of Robinson Suites (the “**Development**”).
2. The Applicant sought the following orders against the Respondent under sections 101(1)(c), 103(1), 105 and 106 of the Building (Strata Management) Act 2004 (the “**BSMA**”):

- a. Prayer 1: Invalidation of the MCST's Special Resolution entitled "Exclusive Use By-Laws – Leasing of Common Property" passed at the Annual General Meeting held on 12 April 2023.
 - b. Prayer 2: A mandatory order for the removal of all vending machines and dustbins that are blocking the glass frontage (facing Robinson Road) of the Units.
 - c. Prayer 3: A prohibitory order to restrain the MCST from placing any items that would obstruct the glass frontage of the Units, or otherwise restrict the visibility of the glass frontage of the Units, or otherwise interfere with the Applicant's or its tenants' peaceful use, enjoyment and occupation of the Units.
 - d. Prayer 4: Costs to be paid by the MCST to the Applicant.
3. The application was heard solely based on submissions of parties and documents tendered. Parties agreed that no witnesses needed to give oral evidence.

BACKGROUND

4. The Development is in the Central Business District. It comprises 170 strata lots, of which 167 are residential units. The remaining three are the Applicant's Units, which are the only commercial units and the only units on the ground floor. The Units have glass frontages facing Robinson Road. They are let to a stationery shop (#XX-XX), a securities brokerage (#XX-XX) and a medical clinic (#XX-XX).
5. A covered walkway runs along the front of the Units (the "**Walkway**"). It is not disputed that the Walkway is common property.
6. At the 6th Annual General Meeting held on 12 April 2023 (the "**2023 AGM**"), the MCST passed a special resolution under the agenda item "Exclusive Use By-Laws – Leasing of Common Property" (the "**2023 Resolution**"). It reads:

To resolve to empower the Management Council to grant the exclusive use and enjoyment of the whole or any part of the common property for a fee, for a period between one and three years. The Management Council shall be empowered to decide on the fees, terms and conditions, and to expend reasonable monies for such purposed (sic) not limiting to engaging agents and solicitors etc.

7. The 2023 Resolution was passed by poll, with 7,059 share values in favour, none against and no abstentions. The Applicant did not attend the 2023 AGM in person. It was represented by a proxy.
8. In May 2025, the MCST placed five vending machines along the Walkway in front of the Units. Two more were added in February 2026 and an eighth in May 2026. Dustbins were placed next to the machines.
9. The Applicant's evidence is that the vending machines block the part of the glass frontage at the eye level of pedestrians on the Walkway, where its tenants display their goods, and make the interiors of the Units darker. It also complains that the dustbins next to the machines are unsightly. It says that its tenants have been affected, and that the tenant of #XX-XX has asked for a reduction in rent. The tenant of #XX-XX took a licence from the MCST of the part of the Walkway in front of its unit, and no vending machines were placed there.
10. The Applicant filed this application on 8 April 2026 and amended it on 18 May 2026.
11. On 6 August 2026, the MCST held an Extraordinary General Meeting (the “**2026 EOGM**”) and passed a special resolution expressed to be made pursuant to section 34 of the BSMA (the “**2026 Resolution**”). It reads:

To consider and if deemed fit, resolve by way of special resolution, a resolution pursuant to section 34(2)(b) of the Building (Strata Management) Act 2004 to: Execute a lease or rent, on behalf of the subsidiary proprietors of the Management Corporation, of the common property (an/or such part(s) of the common property) marked in the Layout Plan, to such person(s) or company(s) as the Management Council may decide, for a period which exceeds one (1) year but does not exceed 3 years and cannot be extended by exercise of any option of renewal to exceed an aggregate of 3 years, at the prevailing market rent, on terms and conditions to be decided by the incoming Management Council.

12. The 2026 Resolution was passed with 79.74% of the share values of the votes cast in favour. The Applicant voted against it. The Applicant complains about the conduct of the 2026 EOGM and states that it reserves its right to challenge the validity of the 2026 Resolution. However, it only attempted to apply to amend its prayers to challenge the validity of the 2026 Resolution on the day of the hearing. Being brought late in the day, the amendment was not allowed. This

does not preclude the Applicant from filing a fresh application to challenge the 2026 Resolution.

13. From about 11 September 2026, the MCST removed two of the vending machines and repositioned the rest. On the calculations of the Respondent's architect, 80.5% of the glass windows of each of #XX-XX and #XX-XX is now unobstructed, compared with between 58.7% and 69.1% before. The windows of #XX-XX are entirely unobstructed. The Applicant has not challenged the architect's calculations.

PRAYER 1

14. Prayer 1 is for the invalidation of the 2023 Resolution. The issue is whether the 2023 Resolution was properly passed in terms of compliance with the law.

Whether the 2023 Resolution was passed by the requisite majority

15. It is not being challenged that there were insufficient votes, or that improper notice had been given. The 2023 Resolution was passed by majority, with no votes against.

The Applicant's participation by proxy

16. The Applicant's case is that it did not consent to the 2023 Resolution. Mdm Koe Kyin Hoon, a director of the Applicant, gave evidence that she signed a blank proxy form at the request of Mr Ravi Murarka, a member of the MCST's council, and did not indicate whether the proxy should vote for or against any motion. She said that she would not have given the proxy had she known that the MCST intended to block the Units. The Respondent's case is that the Applicant was represented at the 2023 AGM, did not vote against the 2023 Resolution, and is estopped from objecting to it now.
17. The Board finds that the Applicant participated in the 2023 AGM by proxy. The 2023 Resolution was passed unanimously, and the Applicant raised no objection to it. If the proxy form was not ticked, that is a failure on the Applicant's part. At its highest, it would mean that the Applicant had abstained from voting. Since objections were not raised then, they should not be raised now.

URA approval

18. The Applicant also submits that section 34(2) of the BSMA makes the leasing of common property “[s]ubject to the approval from the relevant authority”, that no approval was sought or obtained from the Urban Redevelopment Authority (“URA”), and that this is fatal. It points to URA’s guidelines for the Downtown Core, under which covered walkways “*are to be kept free of obstruction at all times*”. The Respondent submits that no URA approval is required, as standalone vending machines are equipment excluded from the computation of gross floor area, and that whether any approval is required is a regulatory matter between URA and the MCST, relying on *The Management Corporation Strata Title Plan No 4123 v Pa Guo An* [2020] SGHC 213.
19. The Board finds that the plain wording of section 34 of the BSMA does not require regulatory approval for the resolution to be valid. It is not for the Board to predetermine whether there has been a breach of URA’s requirements. While the absence of URA approval may require the removal of the vending machines, the Applicant would need to raise its complaint with URA. It does not affect the validity of the 2023 Resolution, which is the question the Board is considering.

Notice of the placement of the vending machines

20. Finally, the Applicant submits that the 2023 Resolution did not identify which areas of the common property were to be rented out, and that it was not clear from its face that the MCST intended to block the Units. The Respondent submits that the discussion at the 2023 AGM made clear that the MCST intended to lease common property, and that before placing the vending machines it informed Mdm Koe of its intention and offered the Applicant’s tenants the opportunity to lease the space.
21. The Board finds that the placement of the vending machines in front of the Applicant’s Units was made known to all the parties. The 2023 Resolution expressly empowered the management council to grant the exclusive use and enjoyment of *the whole or any part of the common property*, so the Applicant has notice. The documents and photographs before the Board also show that the vending machines do not substantially block the Applicant’s windows. People can still see through them.

Conclusion on Prayer 1

22. For these reasons, the Board finds that the 2023 Resolution was passed by majority and is a valid resolution. Prayer 1 is dismissed.

PRAYERS 2 AND 3

23. Prayers 2 and 3 are for a mandatory injunction and a prohibitory injunction respectively. Both are final injunctions.

The parties' cases

24. The Applicant's case is that the vending machines and dustbins infringe the easement of light implied in favour of its Units under section 19(1)(a) of the Land Titles (Strata) Act 1967, amount to a private nuisance, and are a breach of the MCST's duty under section 29(1)(a) of the BSMA to manage the common property for the benefit of all subsidiary proprietors. It submits that the Board has power to grant the injunctions under section 101(1)(c) of the BSMA, and relies on *Management Corporation Strata Title Plan No 1378 v Chen Ee Yueh Rachel* [1993] 3 SLR(R) 630 and *RGA Holdings International Inc v Loh Choon Phing Robin and another* [2017] 2 SLR 997 ("**RGH Holdings**").
25. The Respondent submits that the grant of final relief requires a legal basis, relying on *Gonzalo Gil White v Oro Negro Drilling Pte Ltd and others* [2024] 1 SLR 307 ("**Gonzalo Gil White**"), and that the BSMA contains no provision empowering the Board to grant injunctions. In any event, it submits that a mandatory injunction would be unjust because the Applicant did not vote against the 2023 Resolution, that no loss has been proved, and that the prohibitory order sought is too wide.

Whether the Board has the power to grant an injunction

26. The first question is whether the Board has the power to grant an injunction. The Board finds that it does not. That is sufficient to dispose of Prayers 2 and 3, and whether the injunctions ought to be granted is an academic issue which the Board need not consider. However, the Board also notes that the Applicant's prayers for injunction were founded on the argument that

there was a statutory easement of light in its favour, grounded in section 19(1)(a) of the Land Titles (Strata) Act. The Applicant cites section 32(9)(b) of the BSMA which provides that no by-law created under section 32 or 33 is capable of operating to destroy any easement created under the Land Titles (Strata) Act. Nonetheless, on the facts, it was not demonstrated how the easement of light had been compromised.

URA approval

27. The Applicant has pointed to the lack of regulatory approval and suggested that, as URA has designated the Walkway as an area to be kept clear of obstruction, URA would not give its approval. Even if that were the case, but the Board is the wrong forum to hear this.

The MCST's income from the Walkway

28. The Applicant also argues that the MCST is not a for-profit entity and has no need to rent out the Walkway for vending machines. Looking back at when the MCST placed the vending machines on the Walkway, it was not the primary function of the MCST to make money. However, if along the way the MCST made money for all the subsidiary proprietors, there is nothing wrong with that.

Conclusion on Prayers 2 and 3

29. The Board finds that the threshold for granting an injunction has not been met. Even if the Board had the power to grant the injunctions, and even on the balance of convenience, it would not grant them.
30. Prayers 2 and 3 are dismissed.

BOARD'S DECISION

31. For the reasons above, the Board dismisses the Applicant's application in respect of Prayers 1, 2 and 3.

32. The Board after hearing parties on costs, orders that the Applicant pays the Respondent \$8,000 and disbursement of \$2,000.

Dated this 16th day of October 2026

Mr Alfonso Ang
President

Dr Lim Lan Yuan
Member

Ms Elaine Chew
Member

Ms Vicki Loh (M/s Characterist LLC) for the Applicant
Mr Toh Kok Seng and Mr Enzel Tan (M/s Lee & Lee LLP) for the Respondent
Mr Nigel Lim as young amicus curiae