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

STB No. 31 of 2026

In the matter of an application under section 101(1)(c) of the Building
(Strata Management) Act in respect of the development known as **The
Gardens at Bishan** (MCST Plan No. 2917)

Between

Ng Teck Soon & Sim Cheng Lan

... Applicants

And

The MCST Plan No. 2917

... Respondent

GROUND OF DECISION

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... Respondent

21 August 2026

24 September 2026

Coram:	Mdm Zahara Bakar	(Deputy President)
	Mr Kong Mun Kwong	(Member)
	Prof Lye Lin Heng	(Member)

1. Mr Ng Teck Soon and Mdm Sim Cheng Lan (the “**Applicants**”) are subsidiary proprietors (“**SPs**”), in the development known as The Gardens at Bishan (“**the Development**”).
2. The MCST Plan No. 2917 (the “**Respondent**” or “**MCST**”) is the management corporation (“**MC**”), in the Development.

BACKGROUND

3. On 12th of March 2026, the Applicants filed an application before the Strata Titles Boards (the “**STB**”) seeking the following orders from the Respondent:
 - (1) A declaration that the Respondent’s implementation of the iCondo Visitor & Resident Management Systems (“**VRMS**”) and Facial Recognition System (“**FRS**”) as the estate-wide pedestrian and vehicular access system constitutes an addition, improvement, alteration or change in use, and/or removal of common property within the meaning of Section 29(1)(d) of the Building Maintenance and Strata Management Act (now renamed Building (Strata Management) Act (“**BSMA**”).
 - (2) A declaration that the Respondent’s termination of the physical access card system with effect from 1 January 2026 constitutes removal of common property and/or a change in the use of common property within the meaning of Section 29(1)(d) BSMA.
 - (3) A declaration that the Respondent was required to obtain direction by special resolution at a general meeting prior to implementing the above measures.
 - (4) If such direction was required and was not obtained, a declaration that the Counsel acted without the necessary statutory authority.
 - (5) Costs of this application.
4. In their Closing Submissions, the Applicants state that in substance, they seek the following orders:
 - a. an order that the Respondent shall not further implement, rely upon or continue the New Access Regime as authority for the permanent replacement of the Legacy System unless and until the approvals required under section 29(1)(d) of the BSMA are obtained (“**Prayer 1**”);
 - b. an order directing the Respondent to convene a general meeting within 30/60 days and place the New Access Regime before the general body for consideration pursuant to section 29(1)(d) of the BSMA (“**Prayer 2**”);
 - c. an order directing the Respondent to preserve, continue or reinstate a functional physical access arrangement pending the outcome of that process (“**Prayer 3**”); and
 - d. in the event that the general body declines to approve the New Access Regime pursuant to section 29(1)(d) of the BSMA, an order directing the Respondent to take such steps as are reasonably necessary to restore, replace or otherwise provide a lawful access arrangement at the Respondent's cost, whether through reinstatement of the Legacy System or through another

substantially equivalent physical access solution, along with any other such ancillary directions as are necessary to secure compliance with the BSMA (“**Prayer 4**”).

5. The Applicants submit that these prayers, although framed (i.e. in their Form 8) as ‘declarations’ (which are a form of relief only the High Court can grant), are still practicable and may be granted under Section 101(1)(c) of the BSMA. Section 101(1)(c) which provides for a “settlement” of a dispute and “rectification” of a complaint, does not prevent the Board from deciding, as the basis of that order, whether the impugned conduct of the Respondent was authorised. The absence of a general declaratory jurisdiction should not stand in the way of relief.¹
6. In their Counsel’s letter dated 8 September 2026 to STB, the Respondent objects to the manner in which the Applicants attempt to amend their Application in their Closing Submissions. The Respondent’s Counsel submit that paragraphs 9, 42 to 50 should be disregarded as they do not relate to the declarations sought in the Application (i.e. in Form 8).
7. The Board agrees with the Respondent’s Counsel that it is too late for the Applicants to seek to amend their Application in Form 8 by way of their Closing Submissions. It would not be fair to the Respondent who has prepared their case and their Written Submissions and Closing Submissions on the basis of the Applicants’ case and scope of prayers sought as set out in Form 8. In the circumstances, the Board agrees with the Respondent’s Counsel that paragraphs 9 and 42 to 50 of the Applicants’ Closing Submissions are to be disregarded.

AGREED FACTS

8. The Board’s finding of facts, based on the agreed statement of facts between the parties and the Affidavits of Evidence in Chief filed by the parties, are as follows:

(1) For 22 years before the VRMS AND FRS system was installed in the Development around November 2024, the Development utilised transponders for vehicle access and physical access cards for pedestrian access through the side gate and turnstiles (the “**Physical Access Card System**”). Further, visitors arriving by vehicles were required to stop at the guardhouse and provide their vehicle registration numbers and other details to a security guard before being granted entry.

¹ Paragraph 50, Applicants’ Closing Submissions

(2) House Rules relating to the Physical Card Access System provided that each apartment would receive four (4) access cards free of charge. It also addresses additional cards, replacement cards, lost cards, transfers on sale, valid cards, and the revocation, cancellation, or termination of cards.

(3) On 1 June 2024, the Respondent outsourced security services for the Development to Advancer Security Pte Ltd (“**Advancer**”).

(4) The VRMS AND FRS enables the automatic capture of visitors’ vehicle license plate numbers, pre-registration of visitors’ vehicles, notifications to residents when visitors arrive, and logging of vehicles’ entry in and exit out of the Development.

(5) The FRS enables residents to access the Development through the side and turnstile gates by presenting themselves before a facial recognition scanner. The iCondo system also provides QR code and Bluetooth access through a registered mobile phone.

(6) On 28 October 2025, during the 9th Council Meeting of the 19th Management Council, the Council decided that termination of the access cards would take effect on 1 January 2026.

(7) On 17 November 2025, the Applicants wrote to the 19th Management Council seeking clarification with regard to the discontinuation of the Physical Card Access System, the iCondo arrangements and a physical fallback option.

(8) On 25 November 2025, at the 10th Council Meeting of the 19th Management Council, the minutes again recorded that termination of the access cards would take effect on 1 January 2026. On 6 January 2026, at the 11th Council Meeting of the 19th Management Council, the minutes recorded that the access-card system had been terminated. On 27 February 2026, the Applicant filed a Form 8 application in STB No. 31 of 2026.

(9) An extraordinary general meeting was convened on 20 June 2026 (“**EOGM**”). In the EOGM papers the Agenda included:

(a) Resolution 7.1:

“To consider, and if deemed fit, to approve and resolve, by way of a Special Resolution that, the old card access system – instead of being terminated immediately – continues to be used until the system fails, or the system reaches its end-of-life, as per the OEM/Vendor.”

(b) Resolution 7.2:

“To consider, and if deemed fit, to approve and resolve by way of Special Resolution to implement an additional access method (through the existing iCondo system) using iCondo access cards, at a cost of around \$100,000 to be paid by MCST.”

(10) At the EOGM, Resolution 7.1 was passed with 92.41% of the votes. Resolution 7.2 was not passed, with 2.1% of the votes cast in favour. Pursuant to the passing of Resolution 7.1, the Physical Access Card system now functions alongside the VRMS and FRS (“**VRMS/FRS**”) system.

(11) Notwithstanding the passing of Resolution 7.1, the Applicants decided to proceed with the arbitration hearing seeking the orders sought under paragraphs 3(1) to (4) above.

ISSUES BEFORE THE BOARD

9. The issue is whether the Respondent’s implementation of the VRMS/FRS system is within the Respondent’s power to “*repair, maintain and where reasonably necessary, replace common property*” under Section 29(1)(b) of BSMA **or** does it constitute:

- i. an addition to common property;
- ii. an improvement to common property; and/or
- iii. an alteration or change in the use of common property

under Section 29(1)(d) of BSMA and accordingly requires approval from the subsidiary proprietors by special resolution at a general meeting.

10. As Resolution 7.1 has been passed at the EOGM and the existing Physical Access Card system has not been terminated, it is no longer necessary for the Board to consider the issue of whether the discontinuance of the existing Physical Access Card system require approval of the subsidiary proprietors by way of special resolution at a general meeting i.e. the order sought under paragraph 3(2) above and the orders sought under paragraphs 3(3) and (4) in connection with such discontinuance.

APPLICANTS' CASE

11. The Application is made pursuant to Section 101(1)(c) of BSMA.
12. The implementation of the VRMS AND FRS system falls within Section 29(1)(d) for the following reasons:
 - (1) The Physical Access Card system is an established estate-wide access system and its removal or replacement with a materially different system should be voted on by the subsidiary proprietors.
 - (2) The Development's House Rules expressly regulated the issue and use of security access cards including (a) four cards per apartment free of charge; (b) conditions for additional and replacement cards; (c) handover of cards on sale of the unit; (d) revocation, cancellation or termination in prescribed circumstances.
 - (3) Respondent had included estimated replacement cost of S\$30,000/- in the 2026/2027 sinking fund budget for an "*Access Card Reader System (2 nos)*" suggests that the physical access-card infrastructure was regarded as part of the Development's asset and replacement planning framework.
 - (4) VRMS/FRS is an integrated technological platform providing improved or enhanced access infrastructure through materially different technology, functionality and modes of entry (facial recognition access, QR-code access through the iCondo application, Bluetooth access through registered mobile phone, electronic guest registration, automated visitor notifications, licence-plate recognition and registration, electronic security alerts and access logging).
 - (5) It is not a like-for-like replacement of the Physical Access Card system which is a physical token-based access system using physical access cards or transponders. This has practical implications for residents who do not use smartphones, have privacy concerns, elderly residents, individuals who prefer a non-biometric and non-app based method of entry.

(6) The distinction turns on whether the works were confined to restoring the existing access infrastructure to a good and serviceable condition, or instead introduced a materially enhanced and functionally different infrastructure. It is not merely maintenance or ordinary repair, but is materially different in nature, function and impact from the Physical Access Card system.

(7) The implementation of the VRMS/FRS is a forward-looking enhancement of the access infrastructure and should fall under Section 29(1)(d) as it forms part of a new technological architecture designed to support a significantly expanded set of functionalities which the existing Physical Access Card System never possessed. It does not fall within Section 29(1)(b) which is concerned with backward-looking restoration to functional equivalence.

RESPONDENT'S CASE

13. The implementation of the VRMS/FRS by the Respondent is pursuant to MCST's statutory duties to control, manage and administer the common property for the benefit of all subsidiary proprietors, and to maintain, renew and replace movable property where reasonably necessary. This is not a case of common property being improved or enhanced, but a case of renewal and replacement falling within Section 29(1)(b).
14. The Respondent, relying on the case of *Fu Loong Lithographer Pte Ltd* and *Mok Wing Chong* [2018] 4 SLR 645 ("*Fu Loong Lithographer*"), submits that Section 29(1)(b) should be read sensibly and practically, what amounts to "improvement" must be broadly interpreted as something more than just "old" for "new" or "reasonable or unavoidable betterment". A measure of deference must also be accorded to the decisions of the Council. Council's decisions should not be interfered with unless they are clearly improper and/or unreasonable.² The key takeaway from *Fu Loong Lithographer* is that the relevant test is whether the new facility is the functional equivalent of the old facility, not whether there is a like-for-like replacement.³
15. The law does not require the Management Corporation to replace old technology only with the same old technology. If maintenance of common property requires an item to be replaced, a special resolution is not required even if the replacement has the effect of improving or enhancing the common property.

² R1, paragraphs 7 to 10

³ Respondent's Closing Submissions, paragraph 12

16. Accordingly, consideration should be given to the purpose for which the works are carried out:

- (a) If the intent is to replace and renew, then the works fall within s 29(1)(b), even if the common property is improved or enhanced as a result of the replacement.
- (b) If the intent is to enhance or improve, and only where the enhancement cannot reasonably be achieved by a renewal, then the works are likely to fall within s 29(1)(d).⁴

17. The implementation of the VRMS/FRS falls within Section 29(1)(b) for the following reasons:

- (1) The VRMS/FRS perform substantially the same functions as the systems they replaced, as it records and manages visitor and resident vehicle access, as shown in the following table⁵

Function	VRMS & FRS	Previous arrangement
Vehicular access	Automated capture of data, including licence plate numbers and entry and exit times. Registered vehicles permitted access.	Guards must manually record visitor information into a paper logbook. Residents used a transponder. Exit of vehicles was not monitored.
Pedestrian access via side gates and turnstile	Residents use biometric facial scanning (hands-free), Bluetooth, or temporary in-app QR codes to pass through gates and lobbies without physical contact. Tamper-proof and secure.	Requires physical contact via card. Weaker security as access cards can be cloned or lent to unauthorised non-residents.
Communication between resident and visitor	Residents can verify visitor on mobile app and permit access remotely.	Visitors can communicate with residents via intercom only when the residents are at home.

- (2) Evidence shows that the replacement was reasonably necessary because :

⁴ Respondent's Closing Submissions, paragraph 23

⁵ [8] of AEIC of Chua Soong Hwa

- (a) the Physical Card Access system was aging as it has been in operation for more than two decades, and becoming obsolete;
 - (b) the RFID transponders to lift car park barriers have been failing intermittently and there are difficulties to get new transponders due to lack of vendors producing it;
 - (c) no replacements were available when the access reader at the turnstile gate malfunctioned in late 2025; the vendor has informed that availability of spare parts has become inconsistent and in many cases practically non-existent;
 - (d) the system is not secure as cards are easily cloned and can be passed to third parties.
- (3) The VRMS/FRS system is harder to tamper with and more secure, efficient use of manpower.
- (4) Respondent need not wait until the common property is beyond repair before replacing the items, as taking preventive measures to replace items which are at risk of malfunctioning or becoming obsolete is consistent with its duty under Section 29(1)(b) of BSMA.
- (5) Respondent acted for proper purposes, in good faith and in the interest of the Development as a whole.

BOARD'S DECISION

18. The Board accepts the applicable principles of law as set out in the *Fu Loong Lithographer* case which have been succinctly summarised by the Respondent's Counsel as follows⁶:

- (a) The management corporation's power and duty to perform repairs to place the development in a state of good and serviceable repair is a wide one (para 103).
- (b) The touchstone of "*replacement*" is functional equivalence (para 107) but depends on the facts of each case (para 108).
- (c) While any renewal or replacement would come with betterment; the "*improvement*" referred to in s 29(1)(d) must be more than betterment (para 108).

⁶ Respondent's Reply Submissions paragraph 13

(d) No one factor, or core of factors, is decisive; common sense and practical considerations are called for (para 108).

(e) A special resolution would be required only where the improvement or enhancement cannot be achieved under s 29(1)(b) (para 109). i.e. the works are in the nature of “nice-to-have” (a fortiori if it comes at a high cost), but not within the “must have” category. Even this distinction needs to be tempered with common sense and practicality.

19. It is the Board’s view that the facts of the present case fall more within the fact scenario of *Fu Loong Lithographer* and *Narang Ravinder Pal Singh and Another v MCST 3019* [2012] SGSTB 3 (“*Narang Singh*”). In *Fu Loong Lithographer*, adding draught resistors and waterproof flashings so as to make the common property waterproof, even where none existed originally, and in *Narang Singh*, changing from fluorescent, PLC and incandescent light bulbs to LED light bulbs, were both held to be replacement under Section 29(1)(b), notwithstanding that the resultant replacements provided significant “betterment” in its functional performance and came with additional features and not simply a “like for like replacement”. The Board takes the view that no special resolution is required for the installation of the VRMS/FRS by the Respondent at the Development, for the following reasons:

(a) the existing Physical Access Card system is more than two decades old and there is evidence (which has not been disputed by the Respondent), that the availability of spare parts are inconsistent and will get increasingly challenging, with one incident where no replacement has been found⁷;

(b) the existing Physical Access Card system is facing several breakdowns which impact on the very functions that they are supposed to provide to the residents of the Development and their visitors, namely easy and unimpeded access to the Development⁸ ;

(c) while the VRMS and FRS is technologically different and more superior than the existing Physical Access Card system such as providing improved ease of access, better security for the Development (as the existing access cards could easily be cloned while the VRMS/FRS

⁷ R3, paragraphs 11, 12

⁸ R3, paragraph 12

system automatically logs the entry and exit of vehicles)⁹, common sense dictates that the Respondent should not simply replace old technology with a similarly old technology which has been proven to be more difficult to maintain in view of the availability of spare parts being inconsistent, and the real risk of obsolescence;

(d) the fact that the VRMS/FRS achieves the functional equivalence through different technological means does not, in and of itself, transform the replacement into an improvement within the meaning of Section 29(1)(d);

(e) the availability of the Government grant in connection with the installation/implementation of the VRMS/FRS renders the decision even more consistent with “common sense and practical considerations”.

20. The Board agrees with the Respondent’s submission that functional equivalence does not necessarily have to mean identical technology if, after considering all the circumstances of the case, in selecting a replacement for an item that is breaking down, it is in line with common sense and practical considerations for the MCST to select a replacement that achieves the functional equivalence of the item to be replaced, notwithstanding that the replacement selected is technologically superior and has additional features not present in the item to be replaced, i.e. even if it is not a like for like replacement. The Board considers these additional features to be incidental betterment arising from technological evolution, rather than an improvement within the meaning of Section 29(1)(d) of BSMA.

21. Accordingly, the Board agrees with the Respondent’s submission that on the facts of the present case, the Respondent’s decision to implement the VRMS/FRS, alongside the Physical Access Card system for the remainder of its shelf-life, is a reasonable one when viewed with “common sense and practicality” and is not simply in the “nice to have” category, particularly since the implementation did not come at a high cost.

22. A measure of deference should be accorded to decisions of the management council. Council’s decisions should not be interfered with unless they are clearly improper and/or unreasonable. In view of the above, the Board does not see any reason why the Council’s decision should be interfered with, as the Applicant has not shown that the decision to install the VRMS

⁹ R3 paragraph 13, R4, paragraph 4, R5 paragraph 6

/FRS in view of the impending obsolescence of the Physical Access Card system is “improper and/or unreasonable”.

23. The Application is dismissed. The Board acknowledges that the issues are contentious, turning on the interpretation of sections 29(1)(b) and (d) of the BMSMA. In addition, replacement of the Physical Access Card System with the VRMS/FRS system is a change from the old system and may pose some challenges to older residents. The Respondent’s declaration to terminate the system on 1 January 2026 while it was still functioning was not necessary, and the fact that Resolution 7.1 was later passed to provide for the old system to continue until it no longer functions confirms this. Nevertheless having succeeded on the key issue outlined in paragraph 9 above, the Board’s view is that the Respondent is entitled to a proportion of the usual costs, as the principle that costs follow the event should still apply, but on reduced basis. The Board determines that the Applicants are to pay the Respondent’s costs of \$3,500.00 all in.

24. In view of the Board’s finding above, it is not necessary for the Board to make a finding as to whether it has the power to grant the declaratory reliefs under Section 101(1)(c) of BSMA.

Dated this 24th day of September 2026

MDM ZAHARA BINTE BAKAR
Deputy President

MR KONG MUN KWONG
Member

PROF LYE LIN HENG
Member

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