

BUILDING (STRATA MANAGEMENT) ACT 2004
BUILDING MAINTENANCE AND STRATA MANAGEMENT
(STRATA TITLES BOARDS) REGULATIONS 2005

STB No. 27 of 2026

In the matter of an application under section 101 of the Building (Strata Management) Act 2004 in respect of the development known as **The Promenade@Pelikat** (MCST Plan No.4347)

Between

Wong Chee Kheong and Chan Lai La

... Applicant(s)

And

The MCST Plan No. 4347

... Respondent

23 July 2026

4 September 2026

Coram:	Mdm Zahara binte Bakar	(Deputy President)
	Ms Hazel Tang	(Member)
	Ms Sim Kai Li	(Member)

A. INTRODUCTION

1. This case concerns the use of car park areas, and the installations or continued existence of awnings or roof-like structures in The Promenade@Pelikat located at 183 Jalan Pelikat, Singapore 537643 (the “**Development**”).

2. The applicants, Mr Wong Chee Kheong (“**Mr Wong**”) and Ms Chan Lai La (collectively the “**Applicants**”) are the subsidiary proprietors of units xxxxx and xxxxx and were represented by Mr Wong at the hearing.
3. The respondent is the Management Corporation Strata Title Plan No. 2522 (“**MCST**”) of the Development (the “**Respondent**”) and was represented by M/s Lee & Lee.

B. BACKGROUND

4. The Development is a mixed development located in the heart of Kovan in District 19, comprising 270 commercial units and 164 residential units.¹ The carpark at the Development is spread over basement 2 (“**B2**”) and basement 3 (“**B3**”), with a main gantry at the entrance of the carpark at B2, and a further sub-gantry within B2 which separates the carpark into two sections:²
 - i. “**Zone 1**” (before the sub-gantry) consisting of 52 lots at B2; and
 - ii. “**Zone 2**” (after the sub-gantry) consisting of 183 lots at B2 (19 lots) and B3 (164 lots).

Every vehicle entering the car park will enter Zone 1 first via the main gantry, but only vehicles with complimentary season parking can enter Zone 2 through the sub-gantry.

5. On 23 February 2026, the Applicants filed an application before the Strata Titles Boards (the “**STB**”) against the Respondent, seeking the following orders (“**Orders**”):
 - (1) Orders in relation to the alleged misuse and unauthorized use of designated car park areas (the “**Car Park Orders**”)

¹ See R1 at [3].

² See R1 at [4]; R4 at [7].

- 1.1 Direct the Respondent to forthwith cease permitting or allowing the use of B2 for residential parking, B2 being designated for commercial use in accordance with the approved development layout and applicable planning or regulatory approvals
- 1.2 Direct the Respondent to enforce the designated parking allocation within the Development in accordance with the approved development layout and applicable planning or regulatory approvals, such that: (a) B2 car park is used only for commercial parking and (b) B3 car park is used only for residential parking in accordance with the approved intended residential parking allocation.
- 1.3 That the Respondent shall, within 30 days of the Board's Order, reinstate and maintain effective physical access control measures, including the reinstatement of the access control barrier separating the commercial and residential parking areas in B2, and shall thereafter ensure that B2 is used exclusively for commercial parking and B3 is used exclusively for residential parking in accordance with the approved development layout.
- 1.4 That the Respondent shall not table, propose, consider, or support any resolution, proposal, or arrangement which has the effect of altering, re-designating, or permitting use of the B2 or B3 car park areas in a manner inconsistent with the approved development layout and applicable statutory planning or regulatory approvals, unless and until such alteration or re-designation is lawfully approved by the relevant competent authorities and is in full compliance with the Building (Strata Management) Act 2004 ("**BSMA**") and all applicable requirements.
- 1.5 Direct the Respondent to identify, document, and disclose the basis of any past purported approvals, permissions, arrangements, or tolerances (if any) relied upon to justify or permit the use of the B2 car park for residential

- 1.6 parking, including the scope and conditions (if any) of such approvals, permissions, arrangements or tolerances.
 - 1.7 For the avoidance of doubt, in relation to the orders above, the mere passage of time, tolerance, or absence of prior enforcement shall not of itself constitute lawful authorisation, approval, or regularisation of any use of the B2 car park for residential parking contrary to its designated commercial use.
- (2) Orders in relation to alleged unauthorized awnings or roof-like structures, and alleged failures of governance (the “**Awnings Orders**”)
- 2.1 That the Respondent shall not approve, permit, tolerate, regularise or otherwise allow the installation or continued existence of unauthorised awnings, roof-like structures, or any permanent or semi-permanent installations on residential balconies or external building elements, unless and until such installations have been approved in full compliance with the BSMA and all applicable by-laws, and relevant statutory or regulatory requirements.
 - 2.2 Direct the Respondent to investigate and determine whether any existing unauthorised awnings, roof-like structures, roof extensions or other unauthorised works on residential balconies and/or involving roof areas or external building elements extend into, occupy or otherwise affect common property, and, following such determination, to take appropriate and lawful steps under the BSMA, applicable by-laws and regulatory requirements to require compliance, including regularisation where lawfully permissible, and removal in any case where such works cannot be lawfully regularised in compliance with the BSMA and applicable statutory or regulatory requirements.
 - 2.3 That the Respondent shall, within 30 days of the Board’s Order, commence enforcement action under the Act and applicable by-laws in respect of

unauthorised awnings or roof-like structures installed on residential balconies, including requiring rectification or, failing compliance, removal of such structures.

- 2.4 Direct the Respondent to identify, document, and disclose the basis of any past purported approvals, permissions, or tolerances (if any) relating to awnings or roof-like structures, including the scope and conditions (if any) of such approvals, permissions, or tolerances.
- 2.5 Direct the Respondent to refrain from purporting to retrospectively regularise or approve any such unauthorised awnings or roof-like structures through administrative approvals, informal permissions, or council discretion, in the absence of a lawful and properly defined compliance framework under the BSMA and all applicable statutory requirements.
- 2.6 That the Respondent shall not table, propose, consider, or support any future resolution, proposal, or arrangement relating to awnings or roof-like structures on residential balconies or external building elements unless and until the MCST has first:
 - (a) identified, addressed, and taken reasonable and lawful enforcement steps or positions in respect of any existing unauthorised awnings or roof-like structures erected without approval obtained in accordance with the BSMA and all applicable statutory or regulatory requirements; and
 - (b) established, for the purpose of ensuring full compliance with its statutory duties under the BSMA and for the benefit of all subsidiary proprietors, a lawful, defined, and transparent compliance framework, including: (i) identification of all applicable statutory and regulatory constraints; (ii) objective, estate-wide criteria and safeguards; (iii) mechanisms to ensure monitoring, compliance, and accountability; and (iv) provision for verification, where reasonably necessary, by an appropriately qualified independent professional (including structural

or fire safety professionals), to assess whether any existing or proposed awnings or roof-like structures may affect the structural integrity, fire safety, or common property of the development, before any assertion of compliance is relied upon.

- 2.7 For the avoidance of doubt that the prohibitions and preconditions at (a) to (f) above shall apply to any resolution, decision, or arrangement of the Respondent, however described or framed, which is substantially similar in substance or has the same or similar practical effect as permitting or regularising awnings or roof-like structures on residential balconies or external building elements.
 - 2.8 For the avoidance of doubt, the mere passage of time, tolerance, or absence of prior enforcement shall not of itself constitute lawful approval or regularisation of any unauthorised awnings or roof-like structures referred to in the orders above.
- (3) Orders pertaining to the performance of the above orders, if granted by the Board, as follows (the “**General Orders**”):
- 3.1 Such further or other orders as the Board deems fit, including any ancillary or consequential directions necessary to give effect to the above Orders and to prevent prejudice to subsidiary proprietors or irreversible alteration to the common property or building façade.
 - 3.2 Direct the Respondent to, within 14 days of the Board’s Order, serve on all subsidiary proprietors by registered mail or other direct written mode of service to each lot, a copy of the Board’s Orders and directions issued in this matter.
 - 3.3 Direct the Respondent to, within 14 days after the expiry of the 30-day compliance period stipulated in Orders 1.3 and 2.3 (or such other compliance

periods as specified), provide written confirmation to all subsidiary proprietors of the steps taken to comply with the Board's Orders.

6. The Applicants seek the Orders pursuant to Section 101 of the BSMA with reference to the Respondent's exercise and/or failure to exercise its statutory duties under Sections 29, 32 and 61 of the BSMA³.

7. The relevant parts of Section 101(1)(c) BSMA states:

*101.—(1) Subject to subsections (4), (6) and (7), a Board may, pursuant to an application by, a subsidiary proprietor, of a lot in a subdivided building, **make an order for the settlement of a dispute, or the rectification of a complaint**, with respect to —*

<i>(a)</i>	<i>.....</i>
<i>(b)</i>	<i>.....</i>
<i>(c)</i>	<i>the exercise or performance of, or the failure to exercise or perform, a power, duty or function conferred or imposed by this Act or the by-laws relating to the subdivided building or limited common property, as the case may be.</i>

C. ISSUES BEFORE THE BOARD

Car Park Orders

8. The Board agrees with the Respondent's counsel's further breakdown of the legal issues relating to the Car Park Orders as follows:
- (a) whether building plans approved by the Building Construction Authority ("BCA") bind the Respondent in its allocation of parking lots;
 - (b) whether the allocation of parking spaces is within the Respondent's power under Section 29(1)(a)/(b) of BSMA and/or paragraph 2 of the 2nd Schedule to the

³ Form 8, Section D

Building Maintenance (Strata Management) Regulations 2005 (“**2005 Regulations**”);

- (c) whether it is within the Board’s jurisdiction to make an order on the allocation of parking lots, and if so, whether the Board should make the order;
- (d) whether the Applicants’ claim is time-barred and/or estopped under the doctrine of estoppel by convention.

Awnings Orders

9. The Board also agrees with the Respondent’s counsel’s further breakdown of the legal issues relating to the Awnings Orders as follows:

- (a) whether the Respondent has issued approvals of the awnings in the Development;
- (b) if so, whether the approvals issued were in breach of the Development’s house rules;
- (c) whether the awnings required general meeting approval for the reason that they amount to exclusive use of common property;
- (d) whether the Board should order the Respondent to commence enforcement action under the BSMA against the respective subsidiary proprietors (“**SPs**”);
- (e) whether the Applicant’s claim is time barred and/or estopped under the doctrine of estoppel by convention.

(“**Issues**”)

D. APPLICANTS’ CASE

10. The Applicants’ case, to the extent relevant to the Issues, is as follows:

10.1 Car Park Orders

- (a) There exists an original car park approval and allocation framework based on the BCA-approved car park layout plans, which identify the designated parking lots for B2 and B3, depict the physical segregation of the parking areas, and distinguish them as “**Commercial Carpark**” and “**Residential Carpark**”. Such segregation is supported by emails from previous managing agents and council members from

2021 to 2024 which refer to LTA requirements of 56 lots for public (or commercial) and 164 lots for residential; physical signages at lift lobbies; and discussions in previous managing agent emails on the need for enforcement actions such as wheel clamping.

- (b) The Respondent does not have and has not identified the statutory source of its authority to supersede the original parking framework (as set out in the BCA layout plans) and to permit vehicles with season parking to also park at B2 which should be reserved for paid public car park (commercial parking) at hourly rates. The burden of proving the basis of its statutory authority is on the Respondent and it has not done so.
- (c) Any changes to existing or approved number or layout of parking places require approval from LTA, rather than to be decided by the Respondent through an informal administrative practice.

10.2 **Awnings Orders**

- (a) Awnings and roof-like structures installed by SPs were unauthorised. Regulatory approval from authorities such as BCA, URA, and SCDF were not presented for many units. Addition and alteration (“A&A”) forms do not show proper authorisation, with some forms signed and others not. There is a need for statutory compliance, documentary approvals, professional engineer endorsement, enforcement where appropriate, and the adoption of standard design guidelines through by-laws for installations of the awnings and roof-like structures.
- (b) There are contemporaneous statements from managing agents and correspondence from subsidiary proprietors which highlight outstanding issues concerning approvals, regulatory requirements and regularisation.
- (c) The resolutions of June 2026 did not regularise existing awning and roof-like structures as the resolutions did not identify with sufficient certainty the common property, the structures, and the scope of the exclusive use purportedly authorised by extraordinary general meeting (“EOGM”) Motion 1. Past acts which are void

ab initio cannot be ratified by the resolutions. The resolutions only apply prospectively.

- (d) Motion 1 passed under the resolutions bundled together four distinct subject matters which involve different factual circumstances, statutory considerations and governance issues. Approval or opposition to one component does not necessarily reflect a subsidiary proprietor's position on the remaining components.
- (e) The Respondent has not demonstrated the basis upon which it determined that all existing residential awnings complied with the statutory requirements. None of the forms produced contains the complete set of approvals from relevant statutory authorities.

E. RESPONDENT'S CASE

11. The Respondent's case, to the extent relevant to the Issues, is as follows:

11.1 Car Park Orders

- (a) The BCA-approved plans are building plans for the erection of buildings in the development and do not establish an "*approved*" car park allocation framework.
- (b) The parking arrangement has remained unchanged since the Temporary Occupation Permit ("**TOP**"). The BCA plans only depict approved construction for the Development, and the current car park arrangements are operational matters with no practical difficulties, disputes or complaints.
- (c) Even if current allocation of parking spaces is a deviation from what was originally submitted and approved by LTA, LTA has expressly stated in its email dated 20 May 2026 that it "*does not regulate the subsequent operations of private parking places, including the allocation of parking lots*".

- (d) The Board should not make an order on the allocation of parking spaces as such an order would amount to micromanagement or interference with day-to-day affairs of the Respondent.
- (e) Further there is no order or dispute for the Board to make an order under Section 101(1) as there is no parking shortage problem and measures are in place to ensure this as the barrier between the different Zone 1 and Zone 2 will be lifted when the electronic parking system shows 50 vehicles are parked inside.

11.2 **Awnings Orders**

- (a) Respondent's house rules permit awnings as long as the Respondent approves them in writing. Every single one of the awnings in the Development has been approved in writing by the Respondent. There are therefore no unauthorised structures.
- (b) None of the awnings extend into or occupy the common property. All awnings are within strata lot balconies and roof terraces.
- (c) Motion 1 passed at the EOGM on 6 June 2026 approved various things, including the granting of exclusive use and enjoyment of walls within their balconies and roof terraces (assuming they are common property) to residential SPs for the purpose of adding fixed awnings in the Development, subject to the approvals of, *inter alia*, the management council.
- (d) The Board should not order the Respondent to commence enforcement action under the BSMA against the respective SPs, for the following reasons: (i) any such action would be bound to fail in light of Motion 1, or alternatively, because all the awnings were approved in writing and in accordance with the house rules, and claims against eight of the units are time-barred; (ii) such an order would amount to a pre-judgment that those enforcement proceedings will succeed; (iii) the Respondent has no legal budget to undertake this exercise; (iv) such an order is, in any event, beyond the Board's jurisdiction under Section 101 of the BSMA, as it does not settle the dispute or rectify any complaint but merely passes the dispute or complaint on to the Court or to other Boards to resolve.

F. BOARD’S FINDING OF FACTS:

12. At the hearing, the Appellants called Mr Wong as their only witness, while Ms Charlene Choo Xiu Ling (“**Ms Choo**”), the managing agent appointed by the Respondent for the Development, was the only witness called by the Respondent. The Board did not find it useful or reliable to have references to the oral statements made by individuals who have not been called as witnesses at the hearing. The Board’s finding of facts is as follows:

Car Park

- 12.1 The Board accepts the evidence of the Respondent’s witness, Ms Choo, that the current car park arrangements segregating parking into Zone 1 (public/general) and Zone 2 (season parking) have been in operation since the Temporary Occupation Permit (“TOP”) was issued. Other than the acrylic signages at the lift lobbies, which the Board finds to be neutral at best, the Applicants adduced no clear evidence to the contrary. Although discussions with previous managing agents may reflect a view that Zone 1 should be reserved for paid or commercial parking, that evidence is, at its highest, hearsay, and shows no more that such a view was expressed, not the truth of the matter asserted. The Board is of the view that such discussions cannot, without more, establish that a different parking arrangement was originally in place.
- 12.2 The Board further accepts that with the practice in place of the sub-gantry being lifted whenever 50 vehicles are parked in the car park, there is no shortage of car park for visitors to the Development. With the removal of the 'residents only' sign at the sub-gantry, this has removed any possible confusion that only season holders of residential units may park there and further when the sub-gantry barrier is lifted, visitors without

season parking are also allowed access. The Board is not persuaded that the photos submitted by the Applicants⁴ showed any parking shortage.

12.3 Both parties have accepted that LTA is the relevant competent authority for approval of allocation and use of car parks in developments. In its email dated 20 May 2026, LTA indicated that it does not regulate the subsequent operations of private parking places,

including the allocation of parking lots. Accordingly, the BCA car park layout plans are not conclusive or final with regard to the operational arrangements of the car park.

Awnings

12.4 The Board accepts Ms Choo's explanation that managing agent ("MA") staff may have missed cancelling the '*not approved*' box in the A&A forms, but that all A&A forms submitted have been approved by Respondent in accordance with its house rules, as it is the Respondent's practice to follow up on clarification if documents are missing or incomplete.

12.5 The Board also accepts that it is the Respondent's practice to require the SPs to undertake to obtain the necessary authority clearances as the MA and the MCST are not the competent authority to determine or issue such approvals.

12.6 In any case, Motion 1 which was passed at the EOGM on 6 June 2026 were passed by the SPs present at the EOGM with the intention of granting exclusive use and enjoyment of walls within their balconies and roof terraces to residential SPs for the purpose of adding fixed awnings in the Development, including for the existing awnings and roof-like structures, as this had been explained at the EOGM prior to the passing of the resolutions.

G. THE BOARD'S DECISION

⁴ See A3 pages 65,66

13. An application for relief under Section 101(1) of the BSMA is made by way of Form 8, which requires an applicant to set out the particulars of the exact order(s) sought from the Board (i.e. the action(s) an applicant wants the respondent to take). The prayers sought in proceedings before the Board should be concise, avoid repetitive words and claims, and be reasonably capable of implementation. This is so that the other parties and the Board are not unduly burdened with unnecessarily numerous and wide-ranging claims. Claims sought in the prayers should also correspond to the scope of the Board's powers under the relevant statutory provision(s) that applicants are relying on to support their claims.
14. In this case, the Applicants have sought a total of 17 orders in their Application, a number of which were repetitive and not clearly framed such that the precise scope of the relief sought is obscured. The Board considers this neither practical nor reasonable and finds that it was not helpful to the Applicants' case.
15. The Board's power under Section 101(1) is to make an order for the settlement of a dispute or the rectification of a complaint. The Board gathers from Section D of Applicants' Form 8 that the "*dispute concerns the Management Corporation's exercise and/or failure to exercise its statutory duties under sections 29, 32 and 61 of the Act, including its duties to control, manage and administer the common property and to enforce compliance with the Act and applicable by-laws*".
16. Even if the Board is satisfied that the Respondent is in breach of any the provisions of the BSMA, the Board is not persuaded that the Board's power under Section 101(1) to make an order to settle a dispute or rectify a complaint extends to issuing orders to **restrain** the breach by the management corporation of BSMA.
17. The Board notes that Orders 1.4, 2.5 and 2.6 of the Application seek to restrain the Respondent from taking actions which the Appellants deem to be breaches by the Respondent of the provisions of the BSMA. As the Board is not persuaded that such orders can be sought under Section 101(1),⁷ Orders 1.4, 2.5 and 2.6 of the Application are dismissed.

18. As regards Orders 1.6, 2.7 and 2.8 (i.e. the “for the avoidance of doubt” orders), the Board takes the view that these go beyond the scope of the settlement of a dispute or rectification of a complaint under Section 101(1) and as such are also not within the purview of the Board’s power. **Accordingly, the Board also dismisses Orders 1.6, 2.7 and 2.8**, leaving the following orders to be dealt with:
- (a) Orders 1.1, 1.2, 1.3 and 1.5, which can be grouped as orders for the dismantling of the current car park arrangements;
 - (b) Orders 2.1 to 2.4 which can be grouped as orders for actions to be taken with respect to the awnings and roof-like structures; and
 - (c) Orders 3.1 to 3.3 which are consequential orders if the above orders are granted.

Burden of proof

19. The Board finds it necessary at the outset to reiterate the principle that he who asserts must prove, to clear any misconception on this point.

Orders 1.1, 1.2, 1.3 and 1.5 – dismantling of current car park arrangements

20. It is the Applicants’ position that the Respondent bears the burden of establishing the lawful source of its authority under the BSMA to supersede the original parking framework (as depicted in the BCA layout plans) and to permit vehicles with complimentary season parking to also park at Zone 1 and that the Respondent has not done so.
21. The Board disagrees. The Applicants are the party who has brought this case before STB challenging the current arrangements at the car park. The Applicants are asserting that the Respondent does not have the lawful authority to support these current arrangements. The scope of the powers of a management corporation is a question of law. It is for the Applicants to establish that the Respondent does not have such lawful authority. The Applicants rely on the BCA layout plans, the acrylic signages at the lift lobby and comments of previous managing agents. Following from the Board’s finding of facts in Section F above, it is the Board’s view that the Applicants have not discharged the burden

to convince the Board that the BCA layout plans are binding on the Respondent in its allocation of paid/commercial parking versus season/residential parking.

22. The Board agrees with the Respondent's submission that the allocation of parking spaces is within the Respondent's power under Section 29(1)(a)(b) of BSMA and/or paragraph 2 of the 2nd Schedule to the 2005 Regulations.

(a) Section 29(1)(a) of the BSMA empowers the Respondent to “*control, manage and administer the common property for the benefit of all the subsidiary proprietors constituting the management corporation*”.⁵

(b) Paragraph 2(1) of the 2nd Schedule to the 2005 Regulations provides that a subsidiary proprietor of a lot may not park a motor vehicle or other vehicle on the common property except with the prior written approval of the management corporation.

Thus, the management corporation's power to manage the operation of the car park is derived from these statutory provisions. This is supported by LTA's email dated 20 May 2026 that it does not regulate the operations of private parking places. While LTA stated in its said email that changes to the existing or approved number or layout of parking places require approval from LTA, the Board is of the view that this refers to changing number or physical layout of the car park. It is not the Applicants' contention that the Respondent is effecting such changes.

23. The Applicants appear to also accept that the allocation of parking spaces is within the Respondent's power under Section 29(1)(a) of the BSMA. The Applicants' complaint is that the Respondent's decision in allowing season-holders to park at Zone 1 is not “*for the benefit of all*”.⁶ However, the Applicants have not shown any evidence why such an arrangement is not compliant. While a season parking lot can only be used by a season-parking user, it does not mean that a season-parking user can only park in a season parking lot. The Board is not persuaded that there is any car park shortage under the current operational arrangements.

⁵ See R2 at [13].

⁶ See Applicant's Closing Submissions at [10].

24. In any case, parking spaces are “*common property*” and the control, management and administration of the same is within the powers of the MCST. The allocation of parking spaces (which does not involve changing the number or physical layout of the car park), in the view of the Board, would fall within the day-to-day operations of the MCST. The Board is therefore not minded to interfere unless there is clear evidence that it was improper and/or unreasonable – the Applicants have not shown any evidence in this case.
25. In view of the above, the Board does not see any reason for the dismantling of the current car park arrangements and **Orders 1.1, 1.2, 1.3 and 1.5 are also dismissed**. In view of this, there is no need for the Board to make a determination on the issues of limitation and doctrine of estoppel.

Orders 2.1 to 2.4

26. In these Orders, the Applicants are seeking the Board to direct the Respondent to “*not approve, permit, tolerate, regularize or otherwise allow*”, “*investigate and determine*”, “*identify, document and disclose*” and “*commence enforcement action*”, in connection with the existing awnings and roof-like structures. Other than highlighting that some of the forms submitted by the SPs to the Respondent have not been consistently indicated as “*Approved*” the Applicants have not provided any other evidence to establish that these structures are unlawful or unauthorized, nor identified which awnings or roof-like structures were in fact not duly authorised. The Applicants have brought this action against the Respondent asserting, without specifying, that there are structures that are not duly authorised. The burden of proof is on the Applicants to identify the structures which they say are non-compliant, identify in Form 8 which statutory provisions they are relying on to support their claim that the structures are non-compliant and provide the evidence to show that these structures are not in compliance in accordance with the requirements of the statutory provisions that they have identified in Form 8.
27. Instead, the Applicants’ position in their Closing Submissions is that the Respondent has not provided “*evidence that MCST formed the statutory satisfaction required under*

*Section 37(4)*⁷ as regards improvements which affect the appearance of the building. This is further indication that the Applicants' position on who bears the burden of proof is misconceived.

28. Instead of providing the requisite evidence, the Applicants' Order 2.2 requests the Board to direct the Respondent to investigate whether any of the existing structures were in breach.
29. In any event, the Board is not satisfied that the Applicants have provided any evidence during the hearing of how the existing structures affect the façade or appearance of any building in the Development.
30. As regards the Applicants' assertion that the structures require exclusive use approval under Section 33(1)(c), it is for the Applicants to show that the structures are erected on common property. However, they have similarly not provided any evidence of this and took the position that it is for the Respondent to investigate.
31. As the Applicants have not discharged the burden of proof to show that any of the structures are not compliant, **the Board dismisses Orders 2.1 to 2.4 of the Application.** In view of this, the Board does not find it necessary to make a determination on whether the 90% resolution obtained at the June 2026 EOGM granted SPs of residential units approvals for the retention of the structures within their balconies, or on the issue of limitation or estoppel by convention.
32. Accordingly, Orders 3.1 to 3.3 which are consequential on the grant of the earlier Orders are also dismissed.
33. As a final comment with regards to paragraph 16 and 17 above, the Board's view is that the Applicants have not in any event satisfied the Board that the Respondent is in breach of any of its statutory duties under the statutory provisions referred to in the Applicants' Form 8.

⁷ paragraph 17 of Applicants' Closing Submissions

34. In view of the Board's findings above, the Board determines that Costs are to be borne fully by the Applicants. However, the Board finds that costs of S\$30,000/- plus disbursements and GST, as sought by the Respondent, to be on the high side.
35. The Applicants are to pay the Respondent costs in the sum of **S\$12,000 all in**.

Dated this 4th day of September 2026

MDM ZAHARA BINTE BAKAR
Deputy President

MS HAZEL TANG
Member

MS SIM KAI LI
Member

Applicants in person.

Daniel Chen (M/s Lee & Lee) for the Respondent.