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

STB No. 8 of 2026

In the matter of an application under section(s) **101, 103, 113 and 117** of the Building (Strata Management) Act in respect of the development known as **EAST PALM CONDOMINIUM** (MCST Plan No. **2943**)

Between

Ms Joanna Tan Keng Ling and Dr Jonathan Goh Wee Pin

... Applicants

And

The MCST Plan No. 2943

... Respondent

GROUND OF DECISION

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... Respondent

13 July 2026

17 August 2026

Coram:	Mr Remedios F. G.	(Deputy President)
	Mr Winston Hauw	(Member)
	Mr Bala Reddy	(Member)

INTRODUCTION

1. This is an application by the subsidiary proprietors of a lot in a development known as East Palm Condominium for resolutions passed at a general meeting and at meetings of the management council to be nullified after a metal frame and invisible grilles had been installed by another subsidiary proprietor.

2. In addition to the prayer for nullification of the resolutions, the Applicants had applied for orders in respect of other matters which they in the course of mediation decided they would not pursue in this case.

FACTS

The metal frame

3. In or about April 2024 the subsidiary proprietor (“the SP”) of #XX-XX (“penthouse unit”) installed a metal frame at the balcony of the unit for the purpose of installing invisible grilles (“the metal frame”). The SP had 4 young children, and he had safety concerns when installing the metal frame. The management corporation had not been informed before the metal frame was installed.

4. At the 19th Annual General Meeting (“the AGM”) of the development on 28 May 2025 the meeting considered a special resolution:

To consider and if approve, resolve to allow penthouse units to erect a metal frame at their balcony area for the purpose of installing invisible grilles for safety purpose ONLY and also empower the incoming Management Council to standardize the design of the frame structure.¹

The resolution was passed with a vote of 87% in favour and 13% against.

5. Before the resolution was put to a vote it is in the minutes of the meeting, inter alia recorded that the managing agent had been informed about the installation of the metal frame when it was being installed, and this was brought to the attention of the management council. The council had after a meeting on 24 May 2024 and after seeking advice from BCA *unanimously agreed to raise this matter in the general meeting for approval and to standardize a design to ensure uniformity in the appearance with the rest of the building.*²

¹ Page 45, Minutes of the 19th AGM on 28 May 2025, R3

² Page 46, Minutes of the 19th AGM on 28 May 2025, R3

6. At the meeting of the management council on 2 July 2025, there was on the agenda an item:

To Determine The Standard Design For the Metal Frame For All Penthouse Unit For The Purpose Of Installation Of Invisible Grilles Only As Approved In The 19th Annual General Meeting.

7. It is in the minutes of the meeting, inter alia recorded that Mr Alan (“the SP of the penthouse unit”) had presented to the meeting a written proposal to seek council’s consideration to adopt the existing metal frame installation in his lot as the approved design. The council was informed that Mr Alan had written to BCA *on the matter and they had reverted that base on his drawings and photographs presented to BCA, no structural plan approval nor building plan approval are required....*³
8. The meeting ***unanimously agreed*** to adopt unit #XX-XX frame design as the standard design for all future application by penthouse unit for the installation of invisible grilles at their balcony ***ONLY***.⁴
9. The meeting also decided that *all subsidiary proprietor whom is applying for this installation is required to submit a letter of indemnity to undertake all liabilities and responsibilities and discharge Management Corporation of any future liabilities nor claims arising from the propose work concerned.*⁵
10. At the meeting of the management council on 22 October 2025 the minutes, inter alia record that the decision in relation to the installation of grilles and design guideline was discussed in relation to concerns on the liability of the management corporation. The meeting ***unanimously agreed*** to engage a safety consultant to give a proper assessment to the safety aspect of the installation and the overall safety of the balcony before making a decision on the matter concerned.⁶

³ Pages 53-54, Minutes of the 1st Council Meeting on 2 July 2025, R3

⁴ Page 54, Minutes of the 1st Council Meeting on 2 July 2025, R3

⁵ Page 54, Minutes of the 1st Council Meeting on 2 July 2025, R3

⁶ Page 106, Minutes of the 2nd Council Meeting on 22 October 2025, R3

11. On 15 December 2025, the council inter alia considered an email from its safety consultant and adoption of a standard design for safety grilles. The meeting

*unanimously agreed that the metal frame structure for the invisible grilles for unit #XX-XX will be treated as a “one-off” case and that the Council **had unanimously agreed** to accept the current installation based on safety grounds raised by the unit owner pertaining to his young children. Moving forward, any such proposal for such installation will have to be approved by Management Council on a case-by-case basis prior to installation.*⁷

APPLICANTS’ CASE

12. It is the case for the Applicants that the four resolutions passed at the AGM on 28 May 2025 and the council meetings on 2 July 2025, 22 October 2025 and 15 December 2025 should be invalidated on the basis of one or more of the following grounds *(i) the absence of a valid by-law under Section 33(1)(c) BSMA; (ii) material non-disclosure of facts to subsidiary proprietors that were outcome-determinative; (iii) undisclosed conflict of interest under Section 60 BSMA; and (iv) the MCST’s failure to obtain Professional Engineer certification before approving a structural installation affixed on common property with indefinite timeline, in breach of the standard the Council itself set.*⁸
13. In this case the members at the AGM had made a decision to allow metal frames to be erected by penthouse owners for installing invisible grilles for safety reasons and design would be standardised by the council; the members of the council then made a decision in relation to the standard design for metal frames; a further decision in relation as to what council had to do before making a decision on any application for installation; and then council reversed its decision in relation to a standard design and recorded the reason why the metal frame at unit #XX-XX was acceptable.
14. Other than the fact that the council had initially decided that the design of the metal frame at unit #XX-XX would be the standard design that other penthouse owners would have to use

⁷ Page 113, Minutes of the 3rd Council Meeting on 15 December 2025, R3

⁸ Page 2, Paragraph 2, A8

when seeking to install safety grilles and then reversing its decision on the standard design and recording why the metal frame at unit #XX-XX was acceptable the decisions at the AGM and council meetings were not decisions in relation to the metal frame at unit #XX-XX . The installation of the metal frame at unit #XX-XX was the event that led to the resolutions being considered and passed but it was not the subject of the resolutions.

15. From all of the documents filed by the Applicants including their AEICs and Opening Statement it appeared that their primary concern in this application was whether the metal frame that had been installed at unit #XX-XX had been done in accordance with the provisions of BSMA and whether precautions in relation to safety had been taken before the metal frame had been installed. They were of the view that this was not the case. However, this was not what the Board is required to decide in this case. The order applied for in Form 8 of the application is for resolutions passed at the AGM and council meetings to be invalidated.
16. It will be in order to note that a resolution is not a by-law which under section 32(6) of the BSMA *bind the management corporation and the subsidiary proprietors and any mortgagee in possession (whether personally or by any other person), lessee or occupier of a lot to the same extent as if the by-laws —*
 - (a) *had been signed and sealed by the management corporation, and each subsidiary proprietor and each such mortgagee, lessee and occupier, respectively; and*
 - (b) *contained mutual covenants to observe, comply and perform all the provisions of the by-laws.*
17. A resolution is a *decision of a meeting of a corporate body* that authorises a particular act or transaction. - Tunas Pte Ltd v MCST Plan No 562 [2015] SGHC 236 at 48.
18. In this case decisions were made at an AGM of the management corporation and at 3 meetings of the management council and the Board is required to determine if they should be invalidated.

BOARD'S DECISION

19. The Board has powers under the BSMA to *invalidate* resolutions - section 103, order that resolutions be treated as a *nullity* – section 104, *repeal* an additional by-law – section 105, and *declare a by-law to be invalid* – section 106. The Board's power to make the order applied for in this case is under section 103 of the BSMA. The provision is as follows:

103.—(1) Where, pursuant to an application by a subsidiary proprietor or first mortgagee of a lot, a Board considers that the provisions of this Act have not been complied with in relation to a meeting of the management corporation or subsidiary management corporation, or a council or executive committee, the Board may, by order —

- (a) invalidate any resolution of, or election held by, the persons present at the meeting; or*
- (b) refuse to invalidate any such resolution or election.*

(2) A Board must not make an order under subsection (1) refusing to invalidate a resolution or election unless it considers —

- (a) that the failure to comply with the provisions of this Act did not prejudicially affect any person; and*
- (b) that compliance with the provisions of this Act would not have resulted in a failure to pass the resolution, or have affected the result of the election, as the case may be.*

20. The provision has been considered in a number of previous cases and it will be sufficient to refer to the case of Singaram Kogilambal and others v The MCST Plan No. 2032 [2020] SGSTB 12 @ 19 -21 where the Board pronounced:

19. It is clear that a Board has been given discretion to invalidate or not to invalidate when the provisions of the Act in connection with meetings have not been complied with. It is only when the two (2) conditions in section 103(2) are present that the Board will not have a discretion and must make an order to invalidate viz failure to comply has prejudicially affected another and compliance would have resulted in a failure to pass the resolution or affect the election.

20. In Si-Hoe Koh Chun v Ramesh Ramchandani [2006] 2 SLR(R) 592, Andrew Ang J held at [27] that where “the failure to comply with the provisions of the Act did not prejudicially affect

any person and compliance with the provisions of the Act would not have resulted in a failure to pass the resolution [or affect the elections], the Board is not bound to invalidate the resolution”.

21. Invalidating when no one has been prejudiced or when non-compliance would not have affected the outcome would require the management corporation to go through a second process where time and money (in convening another meeting) will be expended unnecessarily.

21. Accordingly, the Board cannot make an order to invalidate a resolution when there is no breach of any provision of the BSMA in relation to a meeting of the management corporation or a council.
22. There is in this case no evidence whatsoever that provisions of the BSMA in relation to a meeting of the management corporation or a council had not been complied with and whilst it is the case for the Respondent that it did not fail to comply with any provision of the BSMA, it is not the case for the Applicants that the Respondent had failed to comply with any provision of the BSMA in relation to a meeting of the management corporation or a council.
23. It appears that the Applicants are of the view that the Board can invalidate a resolution of a meeting, even when the preconditions spelt out in section 103(1) are absent i.e. that the Board’s power to invalidate is not limited to what is provided section 103(1) of the BSMA. The view is misconceived. The only provision in the BSMA that empowers the Board to invalidate a resolution made at a meeting is section 103(1) and even though the Board has, under section 101(1) been given the power to make unspecified orders *for the settlement of a dispute or the rectification of a complaint with respect to ...the exercise or performance of, or the failure to exercise or perform, a power, duty or function conferred or imposed by the BSMA*, an order for invalidation of a resolution cannot, by virtue of section 101(7) be made under section 101(1). Accordingly, orders for invalidation of resolutions made at a meeting can only be made in accordance with the provisions of section 103 of the BSMA.
24. The application for the invalidation of the 4 resolutions is dismissed.

25. Even though the grounds forwarded by the Applicants are not grounds for invalidation of a resolution made at a meeting, the Board will address them:

i. *the absence of a valid by-law under section 33(1)(c) BSMA;*

The metal frame for installing of invisible grilles was attached to the exterior wall of #XX-XX i.e. common property. It was the submission of the Applicants that the resolution made at the AGM conferred on *one SP or a defined subset of SPs* exclusive use and enjoyment of common property for an unlimited period that was passed under section 32 of the BSMA.⁹ It is the case for Applicants that this could not be approved without a by-law under section 33(1) (c) of the BSMA. The resolution at the AGM was not a by-law or a resolution passed under section 32 of the BSMA that conferred exclusive use and enjoyment of common property on the SP of #XX-XX or anyone else. It was a decision and not a by-law made to allow metal frames to be erected by penthouse owners for installing invisible grilles for safety reasons and design would be standardised by the council. It was a decision that was made pursuant to by-law 5 of the Second Schedule to the Building Maintenance (Strata Management) Regulations. A section 33 by-law is not required for the making of the decision. Council had given approval for the metal frame at #XX-XX to be retained. It had the power and authority to do so, without a section 33 by-law, on the basis of safety concerns.

ii. *material non-disclosure of facts to subsidiary proprietors that were outcome-determinative*

The Applicants submitted – *the motion actually presented at the 19th AGM was framed more broadly, without disclosing to SPs that their vote would approve the Chairperson’s specific, uncertified design (i.e. #XX-XX installation).*¹⁰ A perusal of the minutes of the meeting¹¹ will reveal that there is no basis for the assertion. There is no ambiguity in the wording of the resolution and there is nothing to indicate that the participants were being asked to *approve the chairperson’s specific uncertified design (i.e. #XX-XX installation).* It will also be in order to note that it was Jennifer Han, and not the subsidiary proprietor of unit #XX-XX, who was the chairperson of the meeting.

⁹ Page 4, A8

¹⁰ Page 11, Paragraph 23, A8

¹¹ Pages 37 to 49, Minutes of the 19th AGM on 28 May 2025, R3

iii. *undisclosed conflict of interest under section 60 BSMA*

It was the case for the Applicants that a council member had participated in discussion on the resolutions without declaring his interest in breach of section 60 of the BSMA. The section requires a declaration when the member has a pecuniary interest in the matter. There was no evidence of any pecuniary interest on the part of the council member in this case.

iv. *the MCST's failure to obtain Professional Engineer certification before approving a structural installation.*

There is no evidence that the MCST had given approval for a structural installation in this case. The council had at the meeting on 15 December 2025 decided to allow the subsidiary proprietor of unit #XX-XX to retain his metal frame, and was at that point aware – it had at the council meeting on 2 July 2025 been informed – that the SP had written to BCA and had been informed that *no structural plan approval nor building plan approval are required*.¹²

Dated this 17th day of August 2026

Mr Remedios F. G.
Deputy President

Mr Winston Hauw
Member

Mr Bala Reddy
Member

Applicants in person.
Ms Vicki Loh (M/s Characterist LLC) for the Respondent

¹² Pages 53-54, Minutes of the 1st Council Meeting on 2 July 2025, R3