

Amendments to Land Titles (Strata) Act 2010 – Transitional and savings provisions

The amendments to the Land Titles (Strata) Act will take effect from 15 July 2010. This Annex seeks to clarify how the new regulations will be applied, and who will be affected or exempted at the date of commencement of the new Act.

| No. | Amendment | Application |
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| 1 | <i>Clarifications of Procedures to streamline process</i> | |
| 1.1 | <p><i>WAITING TIME REQUIRED TO ACHIEVE QUORUM AT EOGMs</i></p> <p>Stipulate a 1-hour waiting time for the quorum of 30% of share value to be reached, failing which the Extraordinary General Meeting (EOGM) is dissolved.</p> | <p>Applies to all EOGMs held on or after the date of commencement, including those EOGMs for which Notice has already been served.</p> |
| 1.2 | <p><i>DO AWAY WITH SOME EOGM REQUIREMENTS</i></p> <p>(a) Remove the requirements for Collective Sale Committees (SC) to hold EOGMs to update on consent levels, the sale proposal and process, the number of bids and bid amounts received, and the terms & conditions of the sale and purchase agreement. Such updates can be done via simple meetings.</p> <p>(b) Retain but clarify that the requirements are for SCs to hold EOGM to <u>appoint</u> lawyers and property consultants, to <u>approve</u> the apportionment method, and to <u>approve</u> the Terms & Conditions of the Collective Sale Agreement (CSA). Previous language used was “<u>to consider</u>” instead of “to appoint” or to approve”.</p> | <p>(a) Applies to all updates on the specified items carried out on or after the date of commencement.</p> <p>(b) Applies to all EOGMs held on or after date of commencement.</p> |

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| 1.3 | <p>PROVIDE FOR A NON-CONSENTING SC MEMBER TO VACATE HIS SEAT UPON A MAJORITY VOTE BY THE SC</p> <p>Allow the SC to remove a non-consenting member by simple majority at any meeting of the SC once the requisite consent level has been obtained and an application is made to the Strata Titles Board (STB).</p> | Applies to all SCs. |
| 1.4 | <p>PLACING OF NOTICES</p> <p>Allow Notices to be mailed in addition to being placed inside mailboxes.</p> | Applies to all SCs that have yet to serve the relevant notices, on or after the date of commencement |
| <p>2 Removal of ambiguity in current legislation</p> | | |
| 2.1 | <p>DEVELOPMENTS WITH ONLY 2 SUBSIDIARY PROPRIETORS (SPs)</p> <p>For meetings of the SC, to allow majority count by share value instead of by number of persons present.</p> | Applies (to all SCs with only 2 SPs) on or after the date of commencement. |
| 2.2 | <p>TENURE OF SALE COMMITTEE</p> <p>Provide for an automatic termination of SCs that fail to obtain the first valid signature for the CSA within 1 year of the SC's formation at an EOGM.</p> | <p>For existing SCs who have not collected any valid signatures for their CSA as of the date of commencement, the 1-year period begins on the date of commencement of the new Act, regardless of how long the SC has been in office.</p> <p>For SCs constituted after the date of commencement, the 1- year period will begin on the day the SC was elected at an EOGM.</p> |

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| 3 | <i>Prevention of the depletion of Management Corporation funds and to balance the interests of owners</i> | |
| 3.1 | <p><i>TWO-YEAR RESTRICTION PERIOD AFTER A FAILED ATTEMPT</i></p> <p>Stipulate higher requisition levels for EOGMs within 2 years from an initial failed attempt of an en bloc sale. For the first re-try, 50% of share value or number of owners is needed. For second and subsequent re-tries, 80% is needed.</p> <p>After the 2 years, requisition resets to 20% of share value or 25% of number of owners. The next failed attempt will be deemed an initial failed attempt for which a new 2-year restriction period will apply.</p> | <p>Applies to all failed attempts which occur <u>on or after the date of commencement</u>.</p> |
| 3.2 | <p><i>DISCLOSURE OF RELEVANT INFORMATION</i></p> <p>Require a person standing for election to the SC or a member of the Sale Committee to declare any relevant information and declare extent of ownership by him/her or any connected person of units in the development concerned.</p> | <p>Applies to all election of SC members which takes place on or after the commencement date.</p> <p>For SCs which have been constituted prior to the date of commencement, purely as a transition arrangement, standing SC members have to declare such information and interests within <u>30 days of the date of commencement</u> to the SC. Thereafter, the SC shall put up a notice of the declaration in any conspicuous part of the development, within <u>7 days</u> of receiving notice from the SC member.</p> <p>For SCs which are constituted before, on or after the date of commencement, standing SC members have to make such declarations within <u>7 days</u> of knowing such interests. Thereafter, the SC shall put up a notice of the declaration to any conspicuous part of the development, within <u>7 days</u> of receiving notice from the SC member.</p> <p>Does not apply to applications that have been made to the STB prior to the date of commencement.</p> |

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| 4 | <i>Amendments pertaining to the STB application and mediation process</i> | |
| 4.1 | <i>CHANGES TO ROLE OF STRATA TITLES BOARD (STB)</i> Refine role of the STB to focus on mediatory function for en bloc sale applications. | Applies to all applications made to the STB on or after the date of commencement. Does not apply to applications that have been made to the STB prior to the date of commencement. |
| 4.2 | <i>LENGTH OF STB MEDIATION</i> Stipulate a maximum period of 60 continuous days for mediation on each individual en bloc sale application. | Applies to all applications made to the STB on or after the date of commencement. Does not apply to applications that have been made to the STB prior to the date of commencement. |
| 4.3 | <i>STB EMPOWERED TO REQUEST FOR INFORMATION OR DOCUMENTS</i> Make explicit that the STB can request for any information, documents or summon any person deemed relevant to aid its assessment of an application. | Applies to all existing applications made to the STB and to all applications made on or after the date of commencement. |
| 4.4 | <i>AN ORDER TO BIND THE MINORITY TO COSTS RELATED TO THE SALE</i> Make explicit that the STB can order costs of the sale to minority owners. | Applies to all existing applications made to the STB and to all applications made on or after the date of commencement. |
| 4.5 | <i>TO EXPEDITE THE EN BLOC PROCESS</i> Remove provision for STB to determine compensation amount to tenants for early termination. | Applies to applications made to the STB on or after the date of commencement. |