Please delete where applicable –

1. This Grounds of Decision DOES need redaction.
2. Redaction HAS been done.

DISTRICT JUDGE JONATHAN NG PANG ERN
10 SEPTEMBER 2026

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

**[2026] SGDC 285**

District Court Originating Application No 53 of 2025
Registrar's Appeal (State Courts) No 16 of 2026

Between

Management Corporation
Strata Title Plan No 4348

… *Applicant(s)*

And

(1) Daniel Leigh Taylor
(2) Sangeetha Taylor
(3) Xu Xiaoyan

… *Respondent(s)*

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# GROUNDS OF DECISION

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[Land — Strata titles]

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# Management Corporation Strata Title Plan No 4348
# v
# Daniel Leigh Taylor and others

**[2026] SGDC 285**

District Court Originating Application No 53 of 2025
Registrar's Appeal (State Courts) No 16 of 2026
District Judge Jonathan Ng Pang Ern
13 August 2026

10 September 2026

**District Judge Jonathan Ng Pang Ern:**

1 This was an originating application arising from an unauthorised glass curtain.

## Background

2 The Applicant was the management corporation of a condominium development known as Sea Esta.[1] The 1st and 2nd Respondents were the subsidiary proprietors of a unit at the development (the "Unit"), while the 3rd Respondent was the tenant and current occupier of the Unit.[2]

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1 Affidavit of Cho Heng Fong at para 1.

2 Affidavit of Cho Heng Fong at paras 6-7.

3 The parties' dispute found its genesis in the 1st and 2nd Respondents' installation of a glass curtain on the balcony of the Unit.[3] The Applicant took the view that this was unauthorised and commenced proceedings against the 1st and 2nd Respondents before the Strata Titles Board.[4] These proceedings culminated in a consent order dated 6 September 2021 (the "STB Order").[5] The STB Order essentially required the 1st and 2nd Respondents to remove the glass curtain. The STB Order also permitted the 1st and 2nd Respondents to install Ziptrak blinds in place of the glass curtain. These rectification works were subject to the Applicant's approval:[6]

> 1) The [1st and 2nd Respondents] do, within six months of the date of the date of this Order, remove at their own costs and expenses the solid glass curtain installed at the balcony of their apartment known as [the Unit] and to restore the balcony to its original design and appearance.
>
> 2) Simultaneously, the [1st and 2nd Respondents] be permitted to install Ziptrak blinds as approved by the annual general meeting on 27 September 2020.
>
> 3) For the purpose of points 1 and 2 above, the [1st and 2nd Respondents] shall submit an application for renovation works relating to the removal of solid glass curtain and installation of Ziptrak blinds within two weeks of the date of this Order and the Applicant shall respond to the renovation application within two weeks thereafter.
>
> …

4 Pursuant to para 3 of the STB Order, the 1st and 2nd Respondents were to submit the application for the rectification works by 20 September 2021. The 1st and 2nd Respondents were tardy from the get-go: they only submitted the

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3 Affidavit of Cho Heng Fong at para 8.

4 Affidavit of Cho Heng Fong at paras 8-9.

5 Affidavit of Cho Heng Fong at para 10.

6 Affidavit of Cho Heng Fong at pp 24-25.



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application on 20 October 2021.[7] The Applicant rejected the application on 13 November 2021 on the basis that it was incomplete.[8] It appeared that the 1st and 2nd Respondents submitted a few subsequent applications in the months that followed, but these were all rejected for similar reasons.[9] Based on the material before me, it seemed that the 1st and 2nd Respondents' last application was submitted on 18 March 2022.[10]

5 Left with no choice, the Applicant commenced District Court Originating Application No 26 of 2022 on 13 June 2022 to enforce the STB Order in the same manner as a judgment of the District Court and for judgment to be entered in terms of the STB Order.[11] The District Court allowed the application and made the following order on 27 June 2023 ("DC Order"):[12]

> 1. The [Applicant] be given permission, under section 120 of the Building Maintenance and Strata Management Act 2004 and/or at common law, to enforce against the [1st and 2nd Respondents] the order dated 6 September 2021 of the Strata Titles Board made in STB No. 33 of 2021 in the same manner as a judgment of the Court
>
> 2. That judgment be entered in favour of the [Applicant] against the [1st and 2nd Respondents] in the following terms:
>
>  a. The [1st and 2nd Respondents] do, within six months from 6 September 2021, remove at their own costs and expenses the solid glass curtain installed at the balcony of their apartment known as [the Unit], and do restore the balcony to its original design and appearance.

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7 Affidavit of Cho Heng Fong at para 12.

8 Affidavit of Cho Heng Fong at para 13.

9 Affidavit of Cho Heng Fong at paras 15-16.

10 Affidavit of Cho Heng Fong at para 16; Affidavit of Andrew Steven and Lolita Andrew at para 20 and pp 55-57; Applicant's Written Submissions at para 52.

11 Affidavit of Cho Heng Fong at para 17.

12 Affidavit of Cho Heng Fong at para 18 and pp 48-49.



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> b. Simultaneously, the [1st and 2nd Respondents] be permitted to install Ziptrack blinds as approved by the annual general meeting on 27 September 2020.
>
> c. For the purpose of sub-paras 2a. and 2b. above, the [1st and 2nd Respondents] shall submit an application for renovation works relating to the removal of solid glass curtain and installation of Ziptrack blinds within two weeks from 6 September 2021 and the [Applicant] shall respond to the renovation application within two weeks thereafter.
>
> d. The [1st and 2nd Respondents] do pay the [Applicant] costs and disbursements (all-in) fixed at $3,500.
>
> 3. The [1st and 2nd Respondents] do pay to the [Applicant] costs of and incidental to this Originating Application (on a full indemnity basis), fixed at $5,000 and disbursements of $500.

6 The DC Order was met with what can only be described as defiance. Despite several reminders sent to the Respondents by the Applicant's solicitors, the 1st and 2nd Respondents basically ignored the DC Order and did not submit *any* application for the rectification works after the DC Order was issued.[13]

7 Pursuant to notice given in a letter from the Applicant's solicitors dated 2 December 2024,[14] the Applicant's representatives attempted to enter the Unit to carry out the rectification works on 9 December 2024.[15] It was at this point that the 3rd Respondent entered the fray: her domestic helper barred entry to the Unit and eventually called the police.[16]

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13 Affidavit of Cho Heng Fong at paras 19-22.

14 Affidavit of Cho Heng Fong at para 22 and pp 64-65.

15 Affidavit of Cho Heng Fong at para 25.

16 Affidavit of Cho Heng Fong at para 26.



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8 And so it was that the Applicant commenced the present originating application on 25 April 2025. The application sought prohibitory injunctions that restrained the Respondents from obstructing or hindering the Applicant from: (a) entering the Unit to carry out all steps necessary to effect the rectification works; and (b) carrying out the rectification works at the Unit.

9 The Respondents' defence was that the Applicant deliberately withheld approval for the 1st and 2nd Respondents' applications for the rectification works by imposing "never-ending requirements and/or demands".[17] There were also allegations of bad faith, bias and prejudice.[18] In their reply affidavit, they included a counterclaim with the following prayers:[19]

> a) The [Applicant] comply with of Court and not deliberately deny the Respondents access to make the necessary renovation works;
>
> b) The [Applicant] should approve the submitted forms and not delay the process;
>
> c) The [Applicant] is not entitled to invoke BMSMA Section 30 and/or 31 as there is no basis for this;
>
> d) The [Applicant] should comply with the previous suggestion in court in DC/OA 26/2022 that this is a straight forward matter and that parties need to work together to resolve this;
>
> e) The [Applicant] ought not to take up vexatious applications;
>
> f) This application for specific performance and/or injunction be dismissed with costs to the Respondents.
>
> g) The [3rd Respondent] be stuck out as she is not a party to the claim and there is no basis in the Originating Application;

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17 Affidavit of Andrew Steven and Lolita Andrew at paras 18, 32 and 43.

18 Affidavit of Andrew Steven and Lolita Andrew at para 34.

19 Affidavit of Andrew Steven and Lolita Andrew at para 46.



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> h) If the [Applicant is] relying on additional orders, then the matter ought to be converted to an Originating Claim;
>
> i) Costs to be awarded to the Respondents.

10 I pause at this juncture to note that the 1st and 2nd Respondents had delegated their affairs in relation to the Unit to their attorneys, Mr Andrew Steven and Ms Lolita Andrew, by way of a power of attorney.[20] Indeed, the Respondents' reply affidavit was filed by the 1st and 2nd Respondents' attorneys rather than the Respondents. The attorneys, in turn, appeared to have delegated the rectification works to a property agent, Mr Aloysius Lim Jun Min.[21] I make two points. First, Ms Andrew was also the Respondents' counsel on record. Second, notwithstanding this arrangement of affairs, there was no suggestion that the 1st and 2nd Respondents, being the named respondents in the DC Order and the STB Order, were not personally responsible for complying with the DC Order and the STB Order.

11 In the circumstances, the issues that arose for my determination were as follows:

(a) whether there was a legal basis for the prohibitory injunctions sought;

(b) whether the Respondents' defence was a valid defence to this application;

(c) whether the 3rd Respondent was a proper party to this application; and

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[20] Affidavit of Andrew Steven and Lolita Andrew at pp 15-22.

[21] Affidavit of Andrew Steven and Lolita Andrew at pp 27-28.



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(d) whether the counterclaim should be allowed.

## Decision

### *Whether there was a legal basis for the prohibitory injunctions sought*

12 The first issue was whether there was a legal basis for the prohibitory injunctions sought. In my view, a trio of provisions in the Building Maintenance and Strata Management Act 2004 (2020 Rev Ed) ("BMSMA") provided the legal basis for this application. The BMSMA was renamed the Building (Strata Management) Act 2004 (2020 Rev Ed) (the "BSMA") on 1 October 2025. As nothing turns on this, I shall refer to the provisions of the BSMA for ease of reference. First, s 37(3) of the BSMA provides that a subsidiary proprietor cannot effect any improvement which affects the appearance of any building comprised in the strata title plan:

> **Improvements and additions to lots**
>
> …
>
> (3) Except pursuant to an authority granted under subsection (4) by the management corporation or permitted under section 37A, a subsidiary proprietor of a lot that is comprised in a strata title plan must not effect any other improvement in or upon the lot for the subsidiary proprietor's benefit which affects the appearance of any building comprised in the strata title plan.
>
> …

13 Second, where there is a contravention of s 37(3) of the BSMA and the subsidiary proprietor fails or neglects to carry out any work that is necessary to rectify the contravention, s 30(2)(*d*) of the BSMA allows the management corporation to carry out that work:

> **Powers of management corporation to carry out work**
>
> …



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> (2) Where a subsidiary proprietor, mortgagee in possession, lessee or occupier of a lot fails or neglects to carry out any work —
>
> …
>
> (*d*) necessary to rectify the subsidiary proprietor's contravention of section 37(1) or (3),
>
> the management corporation may carry out that work.
>
> …

14 Finally, s 31(1)(*a*) of the BSMA provides that the management corporation may enter a unit for the purpose of carrying out any work pursuant to s 30(2) of the BSMA, provided that notice has been given to the occupier of the unit:

> **Powers of entry of management corporation**
>
> **31.**—(1) For the purpose of carrying out —
>
> (*a*) pursuant to section 30(1), (2), (4) or (5), any work;
>
> …
>
> the management corporation may, by its agents, employees or contractors, enter upon any part of the parcel for the purpose of carrying out the work —
>
> (*e*) in the case of an emergency — at any time; or
>
> (*f*) in any other case — at any reasonable time on notice being given to any occupier of that part of the parcel.
>
> …

15 In my judgment, the glass curtain was unauthorised for the purposes of s 37(3) of the BSMA. This was the effect of the STB Order. Although the Respondents were at pains to stress that the STB Order was a consent order,[22] the STB Order was ultimately an order of an adjudicatory tribunal. Moreover,

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22 Respondents' Written Submissions at paras 11 and 25-26.



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the STB Order carried real enforcement consequences: s 120(1) of the BSMA allows an order of the Strata Titles Board to be enforced in the same manner as a judgment of the District Court. There would therefore be no basis for the STB Order if the glass curtain was not in fact unauthorised. If what the 1st and 2nd Respondents had contemplated was a settlement without any admission of liability, then they should have entered into a settlement agreement instead.

16 Finally, although none of these provisions refer explicitly to an injunction, I was of the view that an injunction was the most natural and, indeed, the only way by which these provisions could be meaningfully given effect to. Indeed, as the Applicant submitted, if the prohibitory injunctions sought were not granted, the Applicant's powers under ss 30 and 31 of the BSMA would be rendered redundant.[23] Accordingly, I was satisfied that there was a legal basis for the prohibitory injunctions sought.

***Whether the Respondents' defence was a valid defence to this application***

17 The second issue was whether the Respondents' defence was a valid defence to this application. In my view, the Respondents' defence was: (a) factually speculative and baseless; and (b) legally irrelevant. It was not a valid defence to this application.

18 The Respondents' defence was factually speculative and baseless. First, I was satisfied that the Applicant had communicated its requirements to the 1st and 2nd Respondents clearly and in no uncertain terms. At the hearing, counsel for the Applicant, Mr Anthony Wee, pointed me to a letter from the Applicant's former solicitors dated 5 March 2022 (the "5 March 2022 Letter"), as an example of how the Applicant had made clear its requirements to the 1st and

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[23] Applicant's Written Submissions at para 69.



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2nd Respondents. This letter made it abundantly clear that what was missing from the 1st and 2nd Respondents' applications was a proper renovation plan. At the same time, the Ziptrak's design had to be compliant with the approved design:[24]

> …
>
> 3. Our client's position is that the Application For Renovation Works submitted by you on a few occasions since November 2021 has consistently been incomplete. First, on every occasion the Application was not accompanied by any renovation plan at all. On each occasion, our client has informed you of that fact. Secondly, initially the Application form described the renovation works as "To install Ziptrack system with supportive aluminium at balcony". It was only in the Application form submitted yesterday (04/03/2022) that the description of the renovation works was broadened to include "To remove solid glass curtain installed at balcony". It should have been very clear to you 6 months ago on 06/09/2021, when the STB Order was made, that you were obliged to remove the solid glass curtain and, simultaneously, you would be permitted to install Ziptrack binds. Yet, you did not include removal of the solid glass curtain until 6 months later on 04/03/2022.
>
> …
>
> 6. We have been instructed to seek appropriate relief from the court due to your failure to comply with the STB Order. Before doing so, our client gives you a final opportunity to lodge by Wednesday 09/03/2022, a complete Application with a renovation plan, which must include the detailed work schedule and method statement of the removal of the solid glass curtain, duly approved by a QP, and relevant drawings, specifications, work schedule and method statement of the Zip-track. Insofar as the design of Ziptrak blinds is concerned, it must comply with that as approved at the 4th and 5th Annual General Meetings.
>
> …

19 Second, the STB Order obviously did not require the Applicant to unthinkingly approve any application submitted by the 1st and 2nd

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[24] Affidavit of Cho Heng Fong at pp 45-46.



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Respondents, regardless of whether such application complied with the Applicant's requirements. This was evident from a plain reading of the STB Order, which only required the Applicant to "respond to" (as opposed to "approve") any application submitted by the 1st and 2nd Respondents within two weeks. In any case, the Applicant had not only the right, but also the duty, to impose requirements for the approval of renovation works within the development.

20 Third, while the Respondents alleged bad faith, bias and prejudice on the Applicant's part, this was not borne out by the material before me. For example, there was no evidence to show that the Applicant's requirements were not imposed on other subsidiary proprietors. Nor was there any evidence suggesting that these requirements were out of the ordinary in private residential developments.

21 Fourth, what was clear was that the 1st and 2nd Respondents had failed to comply with the Applicant's requirements. At the very latest, the Applicant's requirements would have been abundantly clear to the 1st and 2nd Respondents by the 5 March 2022 Letter. Yet, the 1st and 2nd Respondents, whether through their apathy, incompetence, or (most likely) both, somehow still failed to comply with these requirements.

22 Apart from being factually speculative and baseless, the Respondents' defence was also legally irrelevant. As mentioned earlier (see [12]-[16] above), the legal basis for the prohibitory injunctions sought was the provisions of the BMSMA/BSMA and the fact that the glass curtain was unauthorised. The Respondents' defence, even if factually established, did not speak to these points at all. It was therefore legally irrelevant. All things considered, the Respondents' defence was not a valid defence to this application.



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***Whether the 3rd Respondent was a proper party to this application***

23 The third issue was whether the 3rd Respondent was a proper party to this application. This issue arose because prayer (g) of the counterclaim was for the 3rd Respondent to be "stuck out". I accepted that the 3rd Respondent was not a named respondent in the DC Order and the STB Order. Nevertheless, it was undisputed that her domestic helper had barred entry to the Unit when the Applicant's representatives attempted to effect entry on 9 December 2024 (see [7] above). In my view, the 3rd Respondent's domestic helper's actions had to be attributed to the 3rd Respondent. And, having chosen to enter the fray in this manner, the 3rd Respondent was very much a proper party to this application. The prohibitory injunctions sought needed to be directed against her to have practical effect. Otherwise, the Applicant would continue being obstructed or hindered from carrying out the rectification works and all prior necessary steps.

***Whether the counterclaim should be allowed***

24 The final issue was whether the counterclaim should be allowed. I have set out the prayers of the counterclaim at [9] above. The counterclaim was practically abandoned in the Respondents' written submissions. It seemed that instructed counsel for the Respondents, Mr James Gomez Jovian Messiah, was only reminded about its existence when I asked him, at the hearing, whether it was still being maintained. To this, Mr Gomez responded that the counterclaim was being maintained (at least in relation to some of its prayers), and that it was "very reasonable". With respect, it was not. It followed from my determination on the first three issues that prayers (a), (b), (f) and (g) should be dismissed. The remaining substantive prayers (*ie*, prayers (c), (d), (e) and (h)) were either not legal reliefs or not reliefs that could be appropriately sought in a counterclaim. There was no question that they should be dismissed as well.



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**Conclusion**

25 For the above reasons, I allowed the application and dismissed the counterclaim. The prohibitory injunctions sought were granted in the following terms:

> 1. The Respondents and/or their agents and/or their servants be restrained by way of a prohibitive injunction, from obstructing or hindering the MCST and its representative(s) and/or contractor(s) from lawfully entering the unit located at [the Unit] to carry out all steps necessary to effect the necessary rectification works, including but not limited to entry for the purposes of taking measurements and conducting investigations in preparation for such rectification works, pursuant to the MCST's powers under Sections 30(2)(d) and 31(1)(a) of the Building Maintenance and Strata Management Act 2004 ("BMSMA"), and pursuant to the Order by a Strata Titles Board in STB No. 33 of 2021 ("STB Order") and DC/ORC 1898/2023 ("DC Order").
>
> 2. The Respondents and/or their agents and/or their servants be restrained by way of a prohibitive injunction, from obstructing or hindering the MCST and its representative(s) and/or contractor(s) from carrying out necessary rectification works at [the Unit] pursuant to the MCST's powers under Sections 30(2)(d) and 31(1)(a) of the BMSMA and pursuant to the STB Order and DC Order.

26 After hearing the parties on costs, I also ordered that the Respondents pay to the Applicant the costs of and incidental to this application fixed at $8,000 (inclusive of disbursements) plus any applicable goods and services tax.

27 I am compelled to add that I was deeply troubled by the Respondents' (and, in particular, the 1st and 2nd Respondents') conduct and attitude in these proceedings and in relation to the DC Order and the STB Order. I make three concluding observations.



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28 First, it had been more than three years since the DC Order was obtained. Despite this considerable passage of time, the glass curtain remained installed. This made a complete mockery of the authority of the DC Order. If the STB Order was used as the point of reference, the timeline became even more ludicrous: there had been non-compliance for almost five years.

29 Second, and relatedly, the 1st and 2nd Respondents demonstrated a breathtaking disregard for the DC Order and the STB Order. The STB Order was met with the 1st and 2nd Respondents' cocktail of apathy and incompetence (see [21] above). By the time of the DC Order, the 1st and 2nd Respondents' disregard manifested itself in outright defiance (see [6] above). Neither the Court nor the Strata Titles Board should be made to suffer such contempt.

30 Third, almost immediately after I delivered my oral grounds allowing the application, Mr Gomez made an oral application for a "stay in abeyance" (which I refused to entertain) on the basis that the Respondents intended to file an appeal. There was evidently no need for Mr Gomez to consider my oral grounds, render advice or take instructions before appealing. The impression I gathered from this was that the Respondents had decided that they would appeal against any unfavourable outcome *regardless* of the Court's *reasons* for arriving at its decision. This spoke volumes about the Respondents' attitude. The Respondents were interested in neither reasons nor reason. They were only interested in forestalling the DC Order and the STB Order for as long as possible. After making much of the Applicant's supposed bad faith, the irony of this was not lost.

31 In the final analysis, the Respondents had absolutely no basis in fact or in law for resisting this application, but they did so anyway. Now, dissatisfied



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with my decision, they have filed an appeal to the General Division of the High Court.

Jonathan Ng Pang Ern
District Judge

Wee Anthony, Francis Chan Wei Wen and Kenneth Loh Ding Chao (Titanium Law Chambers LLC) for the Applicant;
James Gomez Jovian Messiah (Edmond Pereira Law Corporation) (instructed) and Lolita Andrew (Adel Law LLC) for the Respondents.

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