PART IV (CHAPTER 1 -5): STRATA MANAGEMENT BEFORE EXISTENCE OF MANAGEMENT CORPORATION (SECTION 7-45)

- CHAPTER 5 (Section 37-45)
  
- Transitional and saving provisions due to the repeal of the Building and Common Property (Maintenance and Management) Act 2007 [Act 663]
  - 37) References to repealed Act and savings provision
  - 38) Existing body and committee (Establishment of JMB under Act 663 shall be deemed to have been established under Act 757)
  - 39) Existing managing agent (Shall continue)
  - 40) Existing accounts or funds (Shall continue)
  - 41) Incumbent commissioner of Buildings and other officers (Shall continue to hold such office)
  - 42) Existing notices, orders, etc. (Shall continue)
  - 43) Pending applications, etc. (Shall consider as filed document)
  - 44) Pending appeals (Shall continue)
  - 45) Existing regulations (Shall continue in force)
# Overview Of Strata Management Act 2013 (Act 757)

## PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

### CHAPTER 1 (Section 46)

**General**
- Shall apply to a development area, where before or after the commencement of the proposed Act, vacant possession of a parcel in a building or land intended for subdivision into parcels or in a subdivided building or land has been delivered by the developer to a purchaser and the Management Corporation (MC) has come into existence.
Overview Of Strata Management Act 2013 (Act 757)

PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

- CHAPTER 2 (Section 47-49)
  - General Management by developer before first annual general meeting of MC
    - Application
      - Shall apply to a development area specified where no joint management body is established for the development area
    - Duties and powers of developer to maintain and manage
      - Maintain and manage properly the subdivided building or land and common property
    - Restrictions during preliminary management period (shall not borrow moneys or give securities, enter any contract extending beyond the management period)
Overview Of Strata Management Act 2013 (Act 757)

PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

- CHAPTER 2 (Section 50-52)
  - General Management by developer before first annual general meeting of MC
    50) Developer to establish maintenance account in the name of MC (On the date of the Act if VP of a parcel was delivered before the Act; At any time before the delivery of VP, if VP of a parcel is delivered after the Act and after the MC came into existence; within 14 days from the date the MC comes into existence, if VP of a parcel is delivered after the Act and before the MC come into existence and if no JMB is established)
    51) Developer to establish sinking fund account in the name of MC (as together with maintenance account)
    52) Proprietors to pay charges, and contribution to the sinking fund (Proprietor shall be the maintenance fee and sinking fund)
Overview Of Strata Management Act 2013 (Act 757)

PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

- CHAPTER 2 (Section 53-55)
  - General Management by developer before first annual general meeting of MC
  - Prohibition on collection of moneys for maintenance from proprietors (Cannot collect maintenance fee and sinking fund without opening an account, and VP of the parcel has been delivered to the proprietor)
  - Duties of developer in relation to accounts
  - Handing over of control to MC (Developer not later than the date of expiry of the management period transfer the moneys into maintenance and sinking fund account to MC and etc.)
PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

CHAPTER 3 (Section 56-58)

- Management after first annual general meeting of the MC
  56) Management committee (Perform the MC duties)
  57) Duty of developer to convene first annual general meeting
      (Developer to convene 1st AGM of MC within 1 month after
       the expiration of the initial period)
  58) First annual general meeting of MC (To determine committee
      members, budget, charge, contribution, interest rate, audited
      accounts, insurance, make by-laws etc.)
**Overview Of Strata Management Act 2013 (Act 757)**

**PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)**

- **CHAPTER 3 (Section 59-62)**

  59) Duties and powers of MC (Duties-Maintain building and common property, charges, contributions, insurance, notice authority, strata roll, audited statements, by-laws etc. Powers-charge, contribution, expenditure, interest, movable property, agent, by-laws, borrow moneys, repayment moneys, etc.
  60) Maintenance account of the MC
  61) Sinking fund account of the MC
  62) Duties of MC in relation to accounts (Audit, reports, COB)
Overview Of Strata Management Act 2013 (Act 757)

PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

CHAPTER 4 (Section 63-65)

- Subsidiary management corporation and limited common property
  63) Administration of the subsidiary management corporation (Subsidiary management committee, proprietor of exclusive benefit the limited common property, same as MC, 1 member in MC)
  64) Duties and powers of subsidiary management corporation (Same as MC but only for limited common property, cannot make by-laws against the MC)
  65) Expenses of subsidiary management corporation (Contribution calculated as share unit of a parcel / aggregate share units of all parcels X total contribution determine)
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#### PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

- **CHAPTER 5 (Section 70-75)**

  ✓ Miscellaneous provision applicable to this Part

  70) By-laws for regulation of subdivided building or land (Safety and security, keeping of pets, parking, floor coverings, refuse control, behaviour, architectural and landscaping)

  71) By-laws for limited common property (By-laws MC shall apply to SMC)

  72) Strata roll (Prepare strata rolls containing share units, floor area, name and address of proprietor)

  73) Right of proprietor or prospective proprietor (Can obtain the MC/SMC info)

  74) Acquisition of additional land, grant and acceptance of easements, etc. (Can buy property outside the lot)

  75) Rating (by authority)
### Overview Of Strata Management Act 2013 (Act 757)

#### PART V (CHAPTER 1-6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

- **CHAPTER 5 (Section 76-80)**

- ✓ Miscellaneous provision applicable to this Part
  - 76) Appointment of administrator for management corporation (If instruct by court)
  - 77) Recovery of sum as a debt due to management corporation or subsidiary management corporation (MC/SMC power to collect fee, owner responsible to pay fee, MC/SMC can bring to court or Tribunal as any debt)
  - 78) Procedure for recovery of sums due (Serve a written notice, if remains unpaid, after 14 days of notice, may file a summons or claim in court)
  - 79) Recovery of sums by attachment of movable property (Issue a warrant in Form A-Third Schedule, COB request assistance of police, make an inventory of property in Form B-Third Schedule, owner after 14 days may apply to court, after 14 days, property attached shall be sold by action)
  - 80) Moneys not required for immediate use (more than RM5000, put in FD)
Overview Of Strata Management Act 2013 (Act 757)

PART V (CHAPTER 1 -6): STRATA MANAGEMENT AFTER EXISTENCE OF MANAGEMENT CORPORATION (SECTION 46-85)

- CHAPTER 6 (Section 81-85)

  ✓ Transitional and saving provisions due to consequential amendments to the Strata Titles Act 1985

  81) Existing managing agent (Before Act shall continue to be agent)

  82) Existing maintenance fund or special account (Before Act shall continue and be deemed to have been established)

  83) Existing notices, orders, etc. (Shall continue)

  84) Pending applications, etc. (Shall consider as filed document)

  85) Existing rules (Shall continue inforce)
Overview Of Strata Management Act 2013 (Act 757)

PART VI : MANAGING AGENT (SECTION 86-91)

- The provisions relating to the managing agent

  86) Appointment of managing agent by commissioner (If MC fail to appoint)
  87) Independence of managing agent (Shall not be appointed as agent if has professional or pecuniary interest)
  88) Managing agent to lodge bond
  89) Powers and duties of managing agent (Duties as required by MC/SMC)
  90) Developer not to be relieved of his obligations to carry out repairs, etc.
  91) Termination of management agreement (Shall submit unaudited accounts to COB within 1 month and audited accounts to COB within 3 months)
### Overview Of Strata Management Act 2013 (Act 757)

#### PART VII : DEPOSIT TO RECTIFY DEFECTS (SECTION 92)

92) Developer to pay deposit to rectify defects on common property

- Seeks to require the developer to pay deposit to rectify defects in the common property of the development area after the completion of the common property
PART VIII : INSURANCES
(SECTION 93-100)

- Provisions on insurances

  93) Duty to insure buildings
  94) Amount to be insured
  95) Insurance where area cannot be separated from main premises of building (MC shall responsible instead of SMC)
  96) Insurance where area can be separated from main premises of building (SMC shall responsible)
  97) Land parcels (Shall responsible by proprietor)
  98) Other insurances
  99) Insurable interest
  100) Obligation to rebuild (Moneys payments by insurer shall me immediately applied in rebuilding, replacing, repairing or restoring the building)
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## PART IX (CHAPTER 1-6): DISPUTES AND STRATA MANAGEMENT TRIBUNAL (SECTION 101-124)

- **CHAPTER 3 (Section 105-107)**
  - Jurisdiction of Tribunal
  - Exclusion of jurisdiction of court
  - Persons entitled to file a claim

- **CHAPTER 4 (Section 108-116)**
  - Conduct of proceedings
    - Claim to be in prescribed form
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    - Proceedings to be public
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    - Equal treatment of parties
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    - Hearings
    - Appointment of expert by tribunal
## Overview Of Strata Management Act 2013 (Act 757)

### PART X : ENFORCEMENT (SECTION 125-141)

- Contains the enforcement provision

  - Power of investigation
  - Search and seizure with warrant
  - Search and seizure without warrant
  - Access to computerized data
  - List of things seized
  - Released of things seized
  - Power to require attendance of person acquainted with case
  - Examination of person acquainted with case
  - Obstruction
PART X (CHAPTER 1-6): ENFORCEMENT (SECTION 125-141)

- Contains the enforcement provisions
  - Power of investigation
  - Search and seizure with warrant
  - Search and seizure without warrant
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  - List of things seized
  - Released of things seized
  - Power to require attendance of person acquainted with case
  - Examination of person acquainted with case
  - Obstruction
  - Requirement to provide translation
  - Compounding of offences
  - Prosecution
  - Jurisdiction of the Magistrate’s court
  - Joinder of offences
  - Protection of informers
  - Offences by body corporate
  - Continuing offences
PART XI: MISCELLANEOUS
(SECTION 142-153)

- Contains the miscellaneous provisions
  - Evidential provisions
  - Representation in proceedings
  - service of notice or order
  - Protection against suits and legal proceedings
  - Public Authorities Protection Act 1948
  - Public servant
  - Non-application of other written laws, contracts and deeds
  - contracting out prohibited
  - Regulations
  - Power to exempt
  - Amendment of schedules
  - Repeal
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<td><strong>SECOND SCHEDULE</strong></td>
<td>Provisions for JMB, MC &amp; SUB-MC [Subsection 22(2), 56(2) or 63(5)]</td>
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Overview Of Strata Management Act 2013 (Act 757)

Miscellaneous:

• Evidential provisions
• Representation in proceedings
• Service of notice or order
• Protection against suits and legal proceedings
• Public Authorities Protection Act 1948
• Public servant
• Non-application of other written laws, contracts and deeds
• Contracting out prohibited
• Regulations
• Power to exempt
• Amendment of schedules
• Repeal
SCHEDULE OF PARCELS (S6)
Schedule Of Parcels [S6(1)]

✓ **Shall not sell** any parcel unless schedule of parcels has been filed with the commissioner.

✓ Shows **proposed share units** of each parcel or proposed parcel and the total share units of all the parcels.

✓ Shows the **proposed quantum of provisional share units** for each provisional block.
Schedule Of Parcels [S6(2)]

✓ **Shall also not sell** any parcel or proposed parcel in any provisional block unless the developer has filed with the commissioner an amended schedule of parcels.

✓ Shows the **proposed allocation of the provisional share units** among the new parcels in the provisional block.
Schedule Of Parcels

- **Shall not sell** any parcel unless schedule of parcels has been filed with the commissioner.

- Shows **proposed share units** of each parcel or proposed parcel and the total share units of all the parcels.

- Shows the **proposed quantum of provisional share units** for each provisional block.

- Shall also not sell any parcel or proposed parcel in any provisional block unless the developer has filed with the commissioner an amended schedule of parcels.

- Shows the **proposed allocation of the provisional share units** among the new parcels in the provisional block.
Schedule Of Parcels

- Comprise a location plan, storey plan and delineation plan.

- Show a legend of all parcels, all common properties and all accessory parcels, and in the case of accessory parcels, specify in the legend the parcels they are made appurtenant to.

- Contain a certificate by the developer’s licensed land surveyor that the buildings or land parcels are capable of being subdivided.

- Contain a certificate by the developer’s architect or engineer that the buildings or land parcels to be constructed in accordance with the approved plans and specifications are capable of being subdivided.
Schedule Of Parcels

- Proposed share units shall be deemed to be the allocated share units until approved by the Director.

- Exhibited at all times in a conspicuous position in any office and branch office of the developer and at such place where sale of a parcel is conducted.

- Submitted to the Director in any application for subdivision of building or land.
Schedule Of Parcels [S6(3)]

✓ Comprise a location plan, storey plan and delineation plan.

✓ Show a legend of all parcels, all common properties and all accessory parcels, and in the case of accessory parcels, specify in the legend the parcels they are made appurtenant to.
Schedule Of Parcels [S6(3)]

✓ Contain a certificate by the developer’s licensed land surveyor that the buildings or land parcels are capable of being subdivided.

✓ Contain a certificate by the developer’s architect or engineer that the buildings or land parcels to be constructed in accordance with the approved plans and specifications are capable of being subdivided.
Schedule Of Parcels [S6(4) & S6(5)]

✓ Proposed share units shall be deemed to be the allocated share units until approved by the Director.

✓ Exhibited at all times in a conspicuous position in any office and branch office of the developer and at such place where sale of a parcel is conducted.

✓ Submitted to the Director in any application for subdivision of building or land.
1. Pelantikan JTB
2. Salinan resit LJT
3. Salinan KM

Syarat Kelulusan
1. Lantik JTB
2. Salinan resit LJT
3. Salinan KM
Syarat Pemfailan
1. Jadual petak
2. SiFUS
3. Pelan bangunan yang diluluskan

Syarat Permohonan CPSP
1. Borang 10
2. Bayaran semakan ukur
3. Pelan bangunan asal
4. Cadangan pelan strata
5. Permit ruang udara
6. Perakuan Arkitek/Juruter
7. Carian rasmi hakmilik tetap
8. Salinan sah perakuan struktur utama
9. Salinan SiFUS
Syarat Permohonan Hakmilik Strata
1. Borang permohonan
2. Bayaran permohonan dan penyediaan hakmilik
3. CPSP
4. Sijil akuan kos rendah (S9B(3), Akta 318)
5. Kebenaran bertulis pihak berkepentingan
6. Cadangan nama MC
7. Hakmilik tetap asal
8. Salinan jadual petak