

CADASTRE SURVEY PRACTICE (SBEU 3323)

WEEK 5 & 7 - STRATA TITLES MANAGEMENT

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OUTLINE

- Latest Legislations and its Effect
- Highlights of Improvements Over Building and Common Property (Maintenance and management) Act 2007 [Act 663]
- Overview of Strata Management Act 2013 (Act 757)
- Limited Common Property and Subsidiary Management Corporation

LATEST LEGISLATIONS AND ITS EFFECT

Latest Legislations And Its Effect

- The Strata Titles (Amendment) Act 2013 was published in the Gazette on 7th February 2013 as Act A1450 and with the approval of the National Land Council, appoints 1st June 2015 as the date on which the Act comes into operation in the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, Terengganu, Federal Territory of Kuala Lumpur, Putrajaya and Labuan.

Latest Legislations And Its Effect

- The Strata Management Act 2013 was published in the Gazette on 8th February 2013 as Act 757 and after consultation with the State Authority, appoints 1st June 2015 as the date on which the Act comes into operation in the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang (12th June 2015), Perak, Perlis, Selangor, Terengganu, Federal Territory of Kuala Lumpur, Putrajaya and Labuan.

Latest Legislations And Its Effect

- Will make very significant changes to the laws relating to strata development and common property management and will affect many people who live in, or do business in, strata-titled properties.
- 14,998 strata development areas occupied by approximately 5.9 million citizens.
- Strata legislations affect > 25 % of the population in Peninsular Malaysia. (the population of Peninsular Malaysia is about 22.53 million).

**HIGHLIGHTS OF IMPROVEMENTS
OVER BUILDING AND COMMON
PROPERTY (MAINTENANCE AND
MANAGEMENT) ACT 2007 [ACT 663]**

Current Legislations On Maintenance And Management Of Strata Schemes

***Building and
Common Property
(Maintenance and
Management) Act
2007 [Act 663]***

*Building or land
intended for
subdivision*

*Before strata
title (JMB)*

***Strata Titles Act
1985
[Act 318]***

*Subdivided
building or land*

*After strata title
(MC)*

Latest Legislations On Maintenance And Management Of Strata Schemes

PART VII & IXA OF
ACT 318 ON
MANAGEMENT OF
SUBDIVIDED
BUILDING CARVED
OUT

ACT 663 REPEALED
AND SOME
PROVISIONS RE-
ENACTED WITH
AMENDMENTS

COMBINED
INTO A SINGLE
LEGISLATION
AS ACT 757

Highlights Of Improvements Over Act 663

ELEMENT	ACT		REMARKS
	663 (2007)	757 (2013)	
Strata management	2 Acts ✓ Act 663 ✓ Act 318	1 Act	<ul style="list-style-type: none"> ▪ Refer to one act only ▪ Comprehensive
Legislation that is more comprehensive	<ul style="list-style-type: none"> ✓ 8 parts ✓ 46 sections ✓ 25 interpretations ✓ 9 penalty offences 	<ul style="list-style-type: none"> ✓ 11 part ✓ 153 sections ✓ 52 interpretations ✓ 34 penalty offences 	Additional: <ul style="list-style-type: none"> ✓ 3 parts ✓ 107 sections. ✓ 27 interpretations ✓ 25 penalty offences ✓ Specific parts <ul style="list-style-type: none"> • Managing agent • Strata tribunal • Enforcement • Insurance

Highlights Of Improvements Over Act 663

ELEMENT	ACT		REMARKS
	663 (2007)	757 (2013)	
Schedule of Parcels filed to COB before sale of any parcel	x	✓	<ul style="list-style-type: none"> ▪ Transparent transaction ▪ Building is capable of subdivision ▪ Identify Parcels, Accessory Parcels & Common Property ▪ Allocation of Share Units ▪ Identify Provisional Blocks & Provisional Share Units
Appointment of Deputy COB and other officers	x	✓	<ul style="list-style-type: none"> ▪ Administering and carrying out the provisions of Act 757
Penalty to commensurate with offence	RM500, 10,000/ 20,000/ 100,000 3 months imprisonment	RM5000, 10,000/ 100,000/ 250,000/ 500,000 3/5 years imprisonment	<ul style="list-style-type: none"> ▪ Increased in maximum fine to reflect the seriousness of offence and longer imprisonment term to act as deterrent.

Highlights Of Improvements Over Act 663

ELEMENT	ACT		REMARKS
	663 (2007)	757 (2013)	
Uniformity of provisions	2 provisions / 2 Acts	Schedule 2	<ul style="list-style-type: none"> Uniform provisions for Management Committee, Joint Management Committee and Subsidiary Management Committee
Penalty to commensurate with offence	RM500, 10,000/ 20,000/ 100,000 3 months imprisonment	RM5000, 10,000/ 100,000/ 250,000/ 500,000 3/5 years imprisonment	<ul style="list-style-type: none"> Increased in maximum fine to reflect the seriousness of offence and longer imprisonment term to act as deterrent.
Developer => JMB => MC	2 provisions/2Acts	✓	<ul style="list-style-type: none"> Handing over by developer to the Joint Management Body and JMB to MC clearly

Highlights Of Improvements Over Act 663

ELEMENT	ACT		REMARKS
	663 (2007)	757 (2013)	
Allocated share units	x	Schedule 1	<ul style="list-style-type: none"> Existing Occupied Development Areas without Allocated Share Units
Provision for tenant, subtenant, or occupier to pay for any sum due	x	✓	<ul style="list-style-type: none"> In order to avoid the attachment or sale of the movable property for non-payment of any sum due Deduct the amount so paid by him from the rent due
Comprehensive enforcement	x	✓	<ul style="list-style-type: none"> Empower the Commissioner to investigate Provide for the compounding of offences provide for the continuing offences
Limited common property & Sub-MC	x	✓	<ul style="list-style-type: none"> For the purpose of representing the different interests of parcel proprietors

Highlights Of Improvements Over Act 663

ELEMENT	ACT		REMARKS
	663 (2007)	757 (2013)	
Power to exempt by Minister & State Authority	x	✓	<ul style="list-style-type: none"> By order published in the Gazette, exempt from all or any of the provisions of this Act
Disputes	2 provisions/ 2 Acts	STRATA MANAGEMENT TRIBUNAL	<ul style="list-style-type: none"> Allows an easy, cheap and speedy alternative to seek legal recourse on strata matters
Comprehensive enforcement	x	✓	<ul style="list-style-type: none"> Empower the Commissioner to investigate Provide for the compounding of offences Provide for the continuing offences

OVERVIEW OF STRATA MANAGEMENT ACT 2013 (ACT 757)

Overview Of Strata Management Act 2013 (Act 757)

STRATA MANAGEMENT ACT

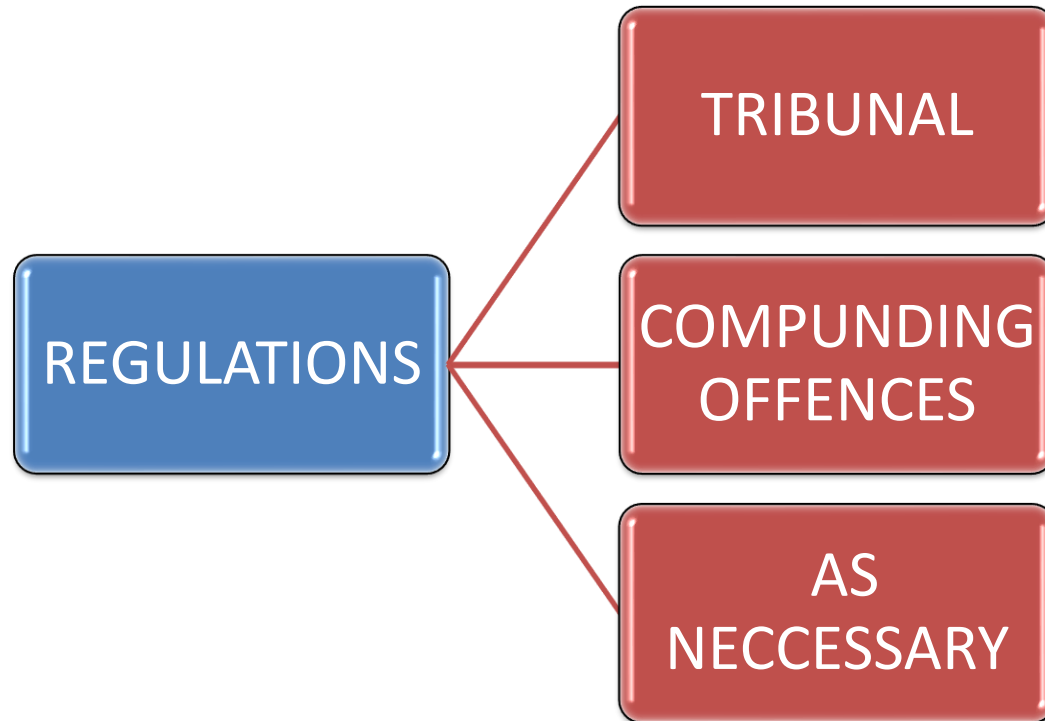
11 PARTS

153 SECTIONS

4 SCHEDULES

REGULATIONS: *expedient or necessary for the better carrying out of the provisions of this Act.*

Overview Of Strata Management Act 2013 (Act 757)



Overview

1) Amendment of Strata Title Act (Strata Title (Amendment) Act 2013 (Act A1450) - gazette on 7th Feb 2013

(Implemented 1st June 2015 in Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, Terengganu, Federal Territory of Kuala Lumpur, Putrajaya and Labuan)

2) Formation of new Act 757–Strata Management Act 2013 (Act 757) - gazette on 8th Feb 2013

(Implemented 1st June 2015 in Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang (12th June 2015), Perak, Perlis, Selangor, Terengganu, Federal Territory of Kuala Lumpur, Putrajaya and Labuan)

3) Amendment on HDA-New Schedule H and etc,
(Was implemented on 1st July 2015 - National Level)

Compulsory Period For Submission

- a) To apply for building / land subdivision 3 months upon the completion of superstructures (Form G12)
- b) All BP must approved prior to pre-strata title application.
- c) Future phase development will submitted as provisional blocks
- d) The land must be final title and free of any encumbrances

STA – New Section 8

Section 8, requires land owner / developer to apply for building subdivision within 3 months upon the completion of super structure and expecting the registration of strata title before vacant possession (VP).

8. Circumstances In Which It Is Compulsory To Apply For Subdivision Of A Building Or Land (Current)

(1) The original proprietor of any alienated land on which there is a building capable of being issued with strata titles shall, within the period apply in accordance for Certificate of Proposed Strata Plan [S(8A)] and subdivision of the building or land [9(1)] if at any time he has sold or agreed to sell any parcel in such building or land to any person.

Section 8(2) - (New)

PROVISIONS OF THE ACT	DATE OF COMMENCEMENT OF ACT A1450	WHEN IS APPLICATION COMPULSORY?
S8(2)(a)	SPA Super structure	3 MONTHS FROM THE DATE OF ISSUANCE OF THE DOCUMENT THAT CERTIFIES THE SUPER STRUCTURE STAGE
S8(2)(b)	SPA Building is completed	3 MONTHS FROM THE DATE THE BUILDING IS COMPLETED
S8(2)(c)	Building is completed SPA	3 MONTHS FROM THE DATE THE BUILDING IS COMPLETED OR SPA – WHICHEVER IS THE LATER
S8(2)(d)	Building is completed SPA	3 MONTHS FROM THE DATE OF THE COMMENCEMENT OF THIS ACT
S8(2)(e)	Building is completed SPA	3 MONTHS FROM THE DATE OF SPA

Section 8(3) & 8(4) & 8(5)-(Current)

(3) The original proprietor of land had been issued with the certificate of proposed strata plan under subsection 8A(8) shall apply for subdivision in accordance with subsection 9(1) within one (1) month from the date issuance of the certificate of proposed strata plan.

(4) The period may, on an application made before its expiry, be extended once by the Director of Survey for any further period not exceeding one (1) month.

(5) The period may, on an application made before its expiry, be extended once by the Director for any further period not exceeding one (1) month.

Section S8(7) & S8(8)-(New)

S8(7) - Where an application is not made within the period, and, within the period of such extension granted, the original proprietor shall be guilty of an offence.

S8(8)(a)

- ✓ fine of not less than **RM10,000** but not exceeding **RM100,000**; or
- ✓ imprisonment for a term not exceeding **3 years or both**; and
- ✓ to a further fine of not less than **RM100** but not exceeding **RM1,000** for continuing offence

S8(8)(b) - The court may order the original proprietor to apply for subdivision of building or land within a period specified in the order.

Section 8(9) – New

☐ S8(9) - Mentioned about the date which the building is or was completed shall be the date on which the certificate of completion and compliance is issued, certificate by any local authority to be fit for occupation or use, or certified in accordance with the provisions of any written law for the time being in operation.

8A. Application for Certificate of Proposed Strata Plan (Current)

Section 8A to provide for the application for certificate of proposed strata plan. The certificate of proposed strata plan is required to be submitted in the application for subdivision of building.

Section 8A(1)-(Current)

❑ Proprietor shall apply for a certificate of proposed strata plan (CPSP) to Director of Survey (Form 10) together with:

- Survey fees
- Approved original copy of building plans (or plan certified by Professional Architect or by Land Surveyor)
- CPSP comprising a location plan, storey plan and a delineation plan that has make a comparison to the approved building plan prepared by Professional Architect or engineer and certified by the Professional Architect or by the Land Surveyor.

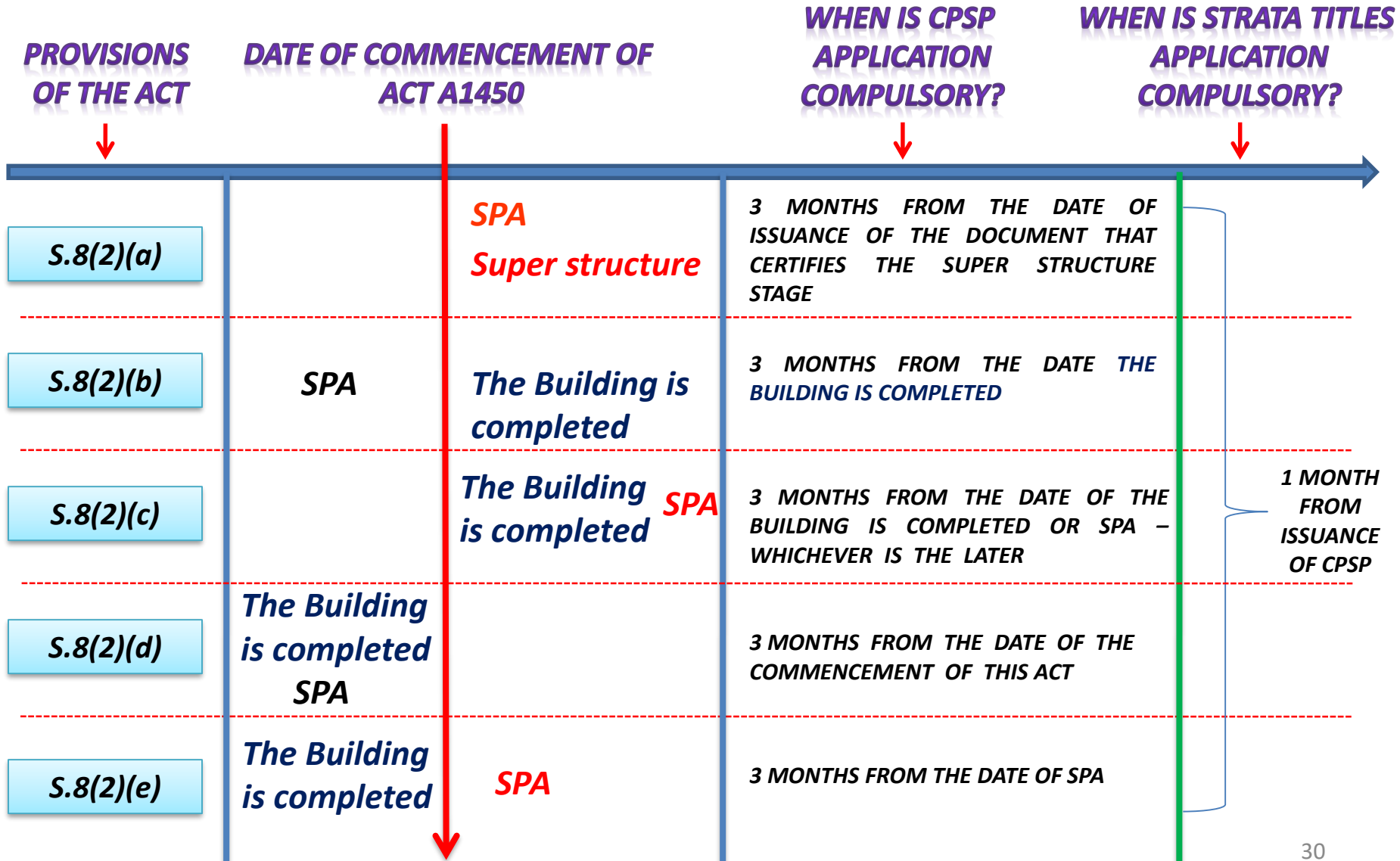
Section 8A(1)-(Current)

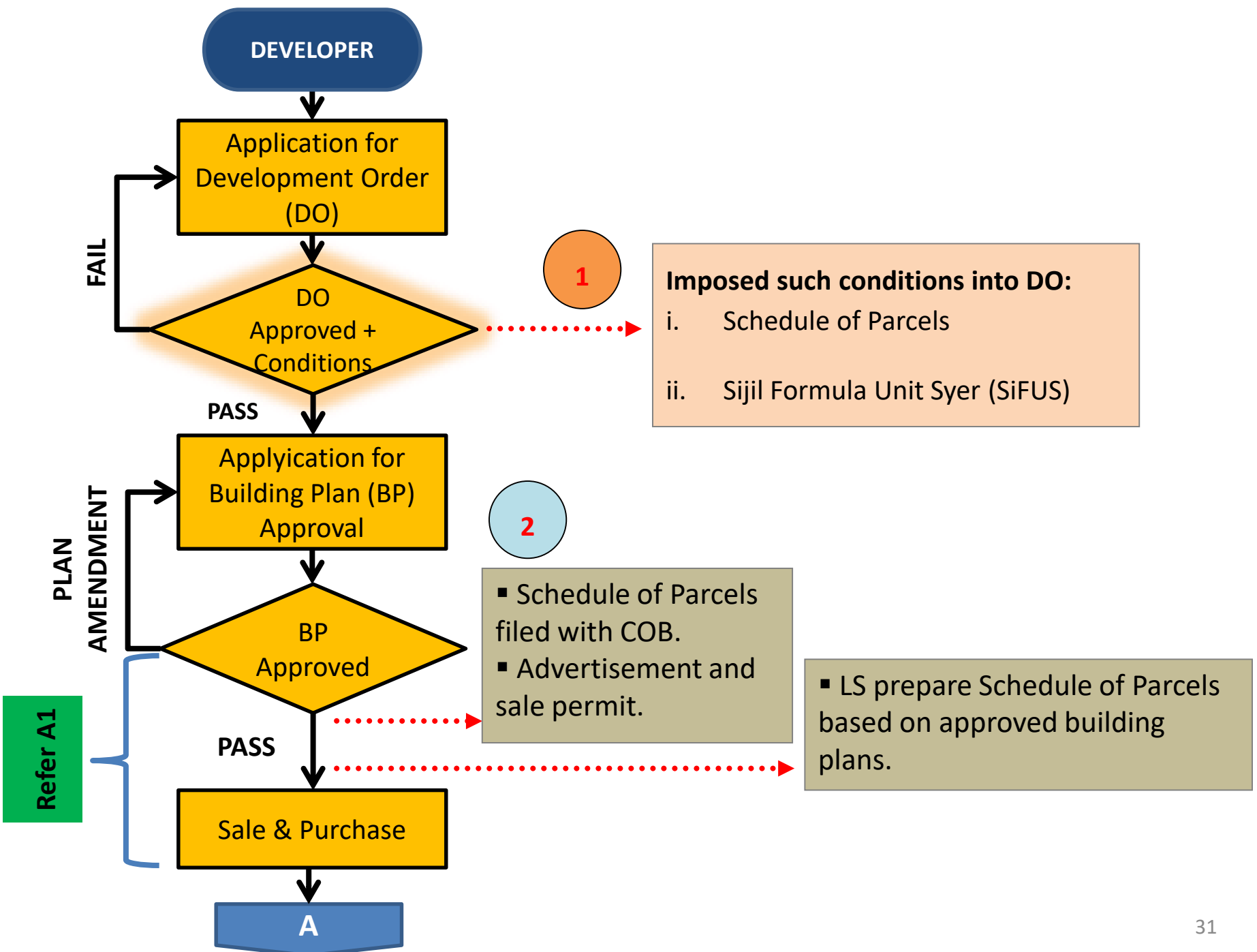
- Certified copy of Final Title of the lot.
- Certified copy of the document that certifies the Super Structure Stage.
- Certified copy of Certificate of Completion and Compliance (CCC) or Certificate of Fitness for Occupancy (CFO).
- Certified copy of the Schedule of Parcels or amended Schedule of Parcels.

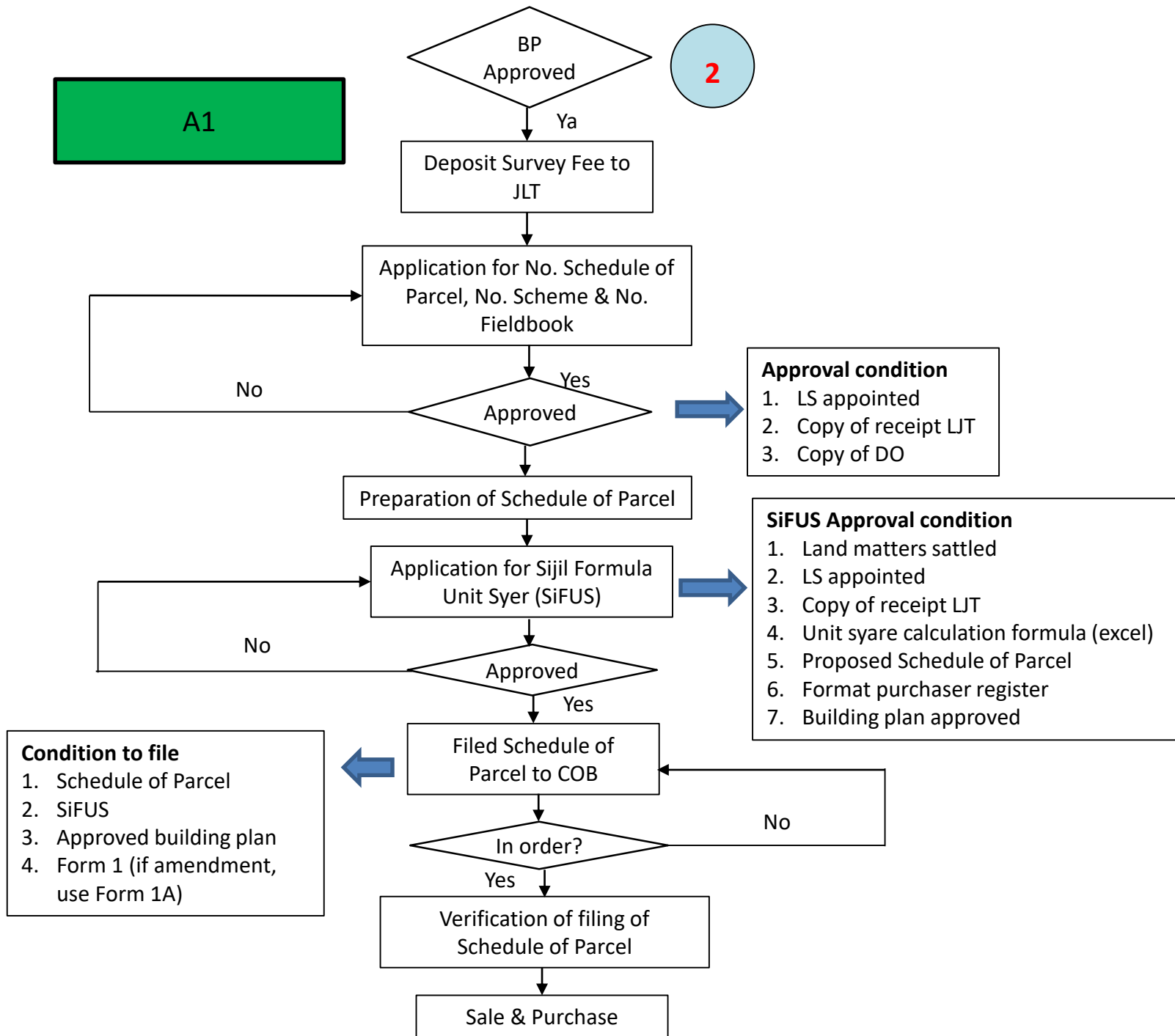
Section 8A(1A) – New

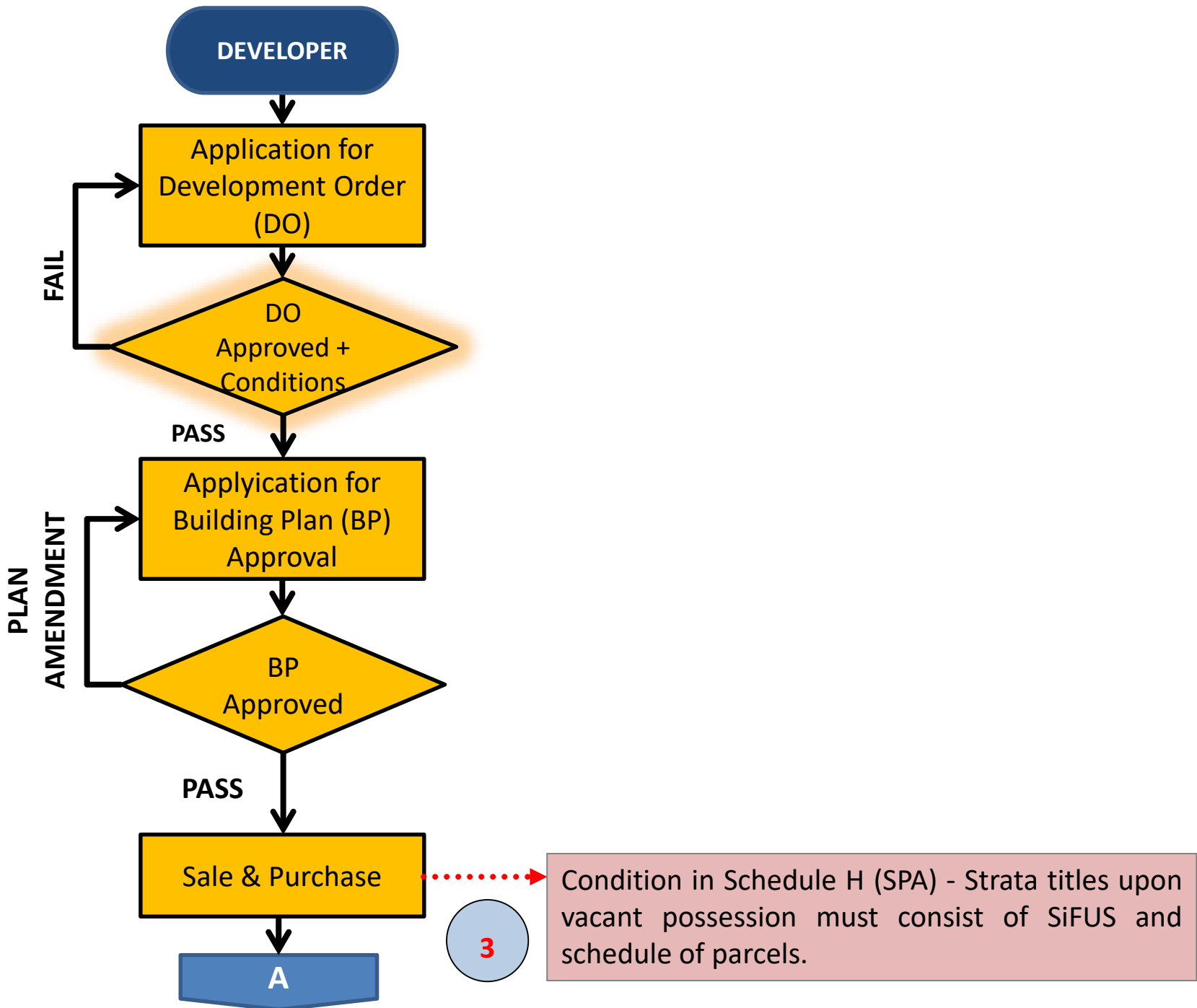
□ New section 8A(1A) to provide for the Director of Survey, in approving the application for the certificate of proposed strata plan – (a) of a special building, (b) in any other circumstances where he deem fit, may give exemption to the documents such as certification by architect or engineer and certificate of completion and compliance or certificate of fitness for occupancy.

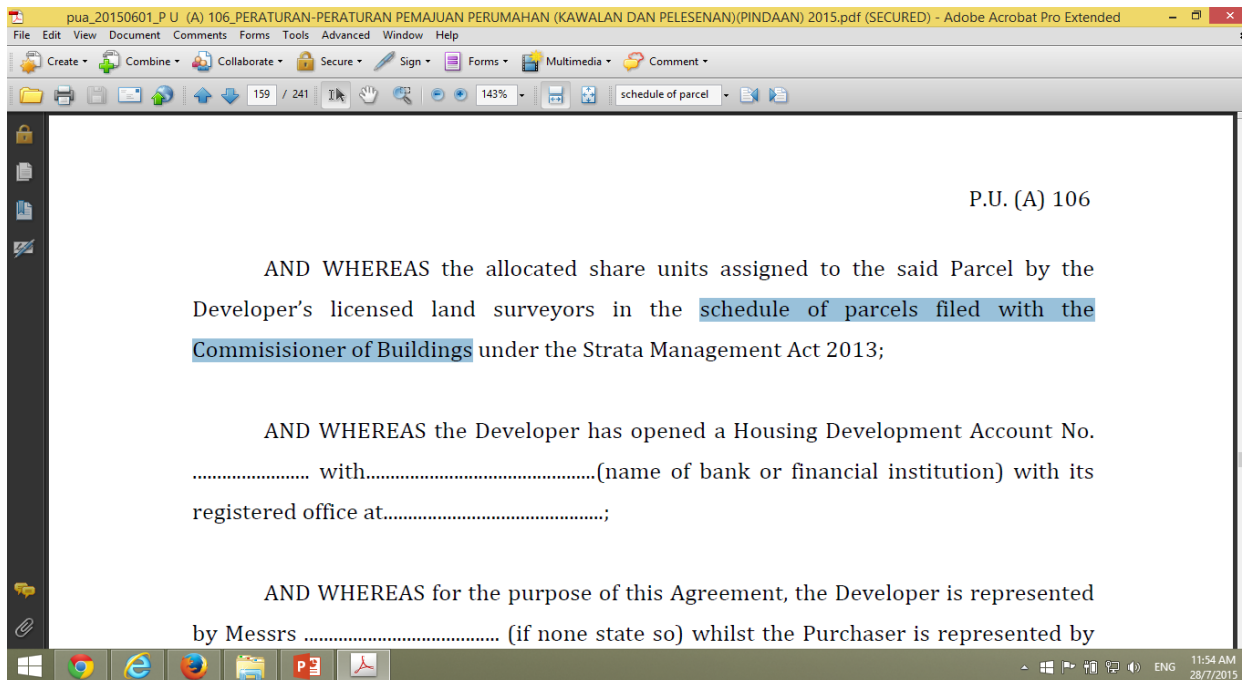
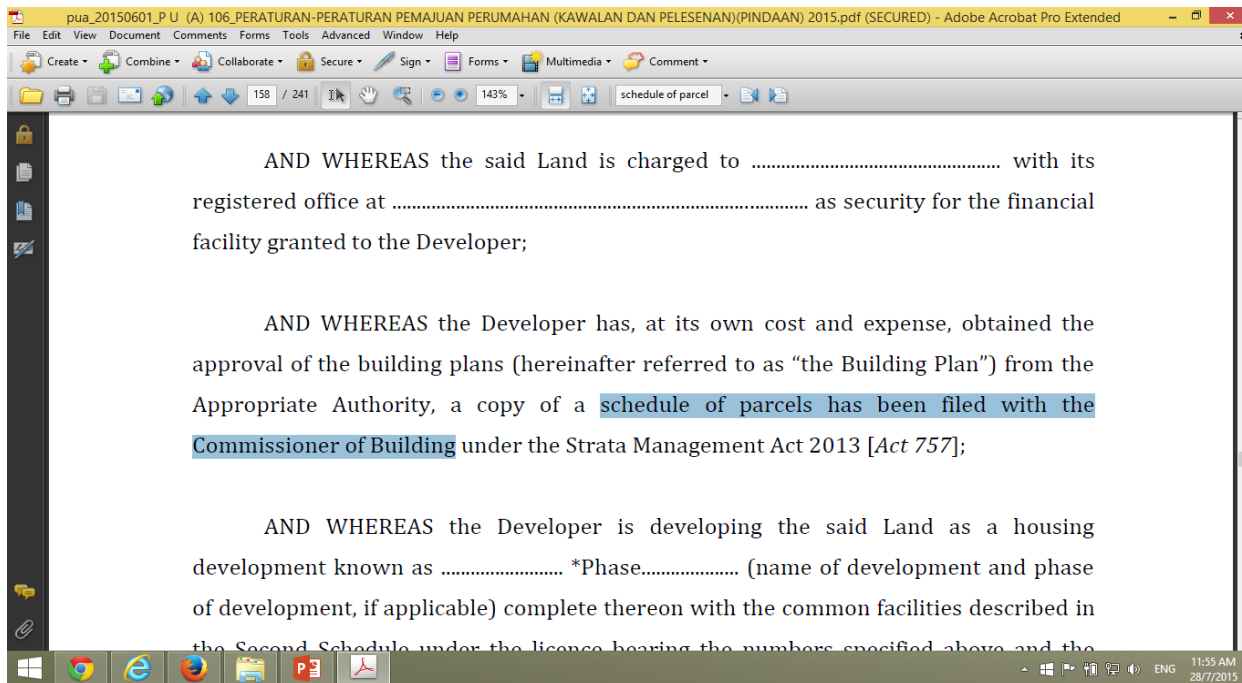
Section 8A - The Period - (New)

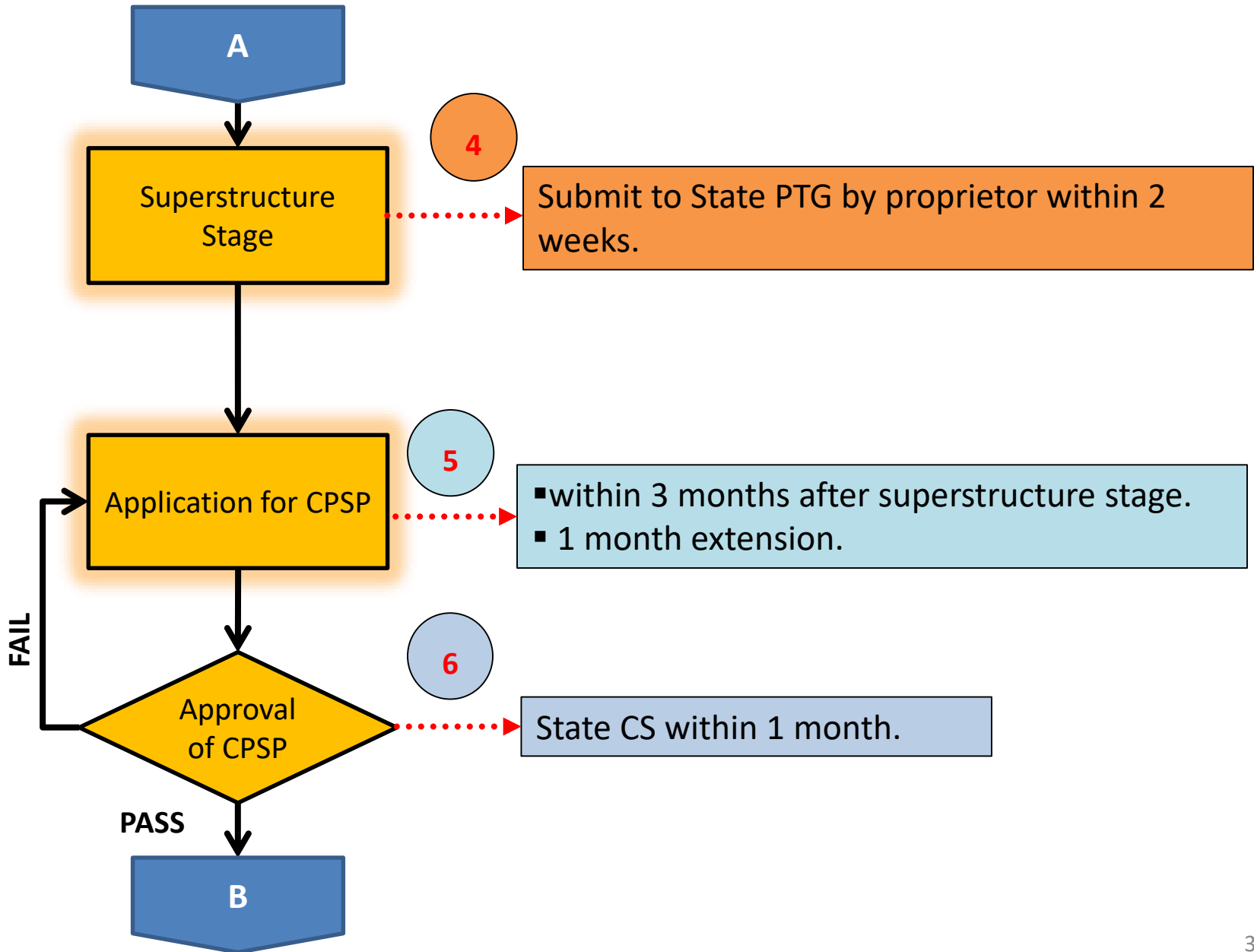




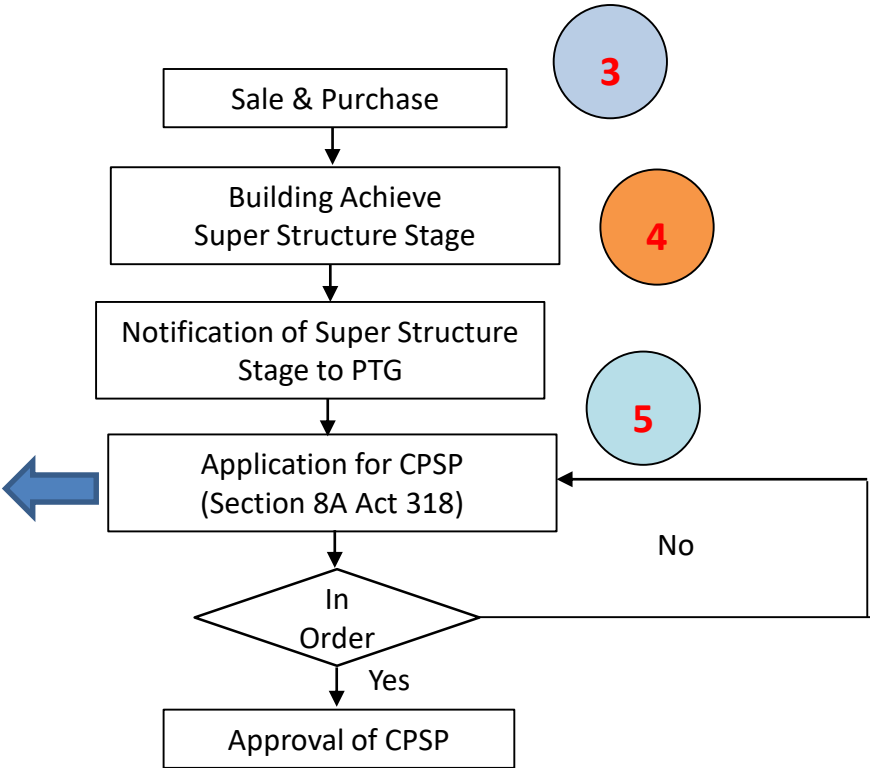


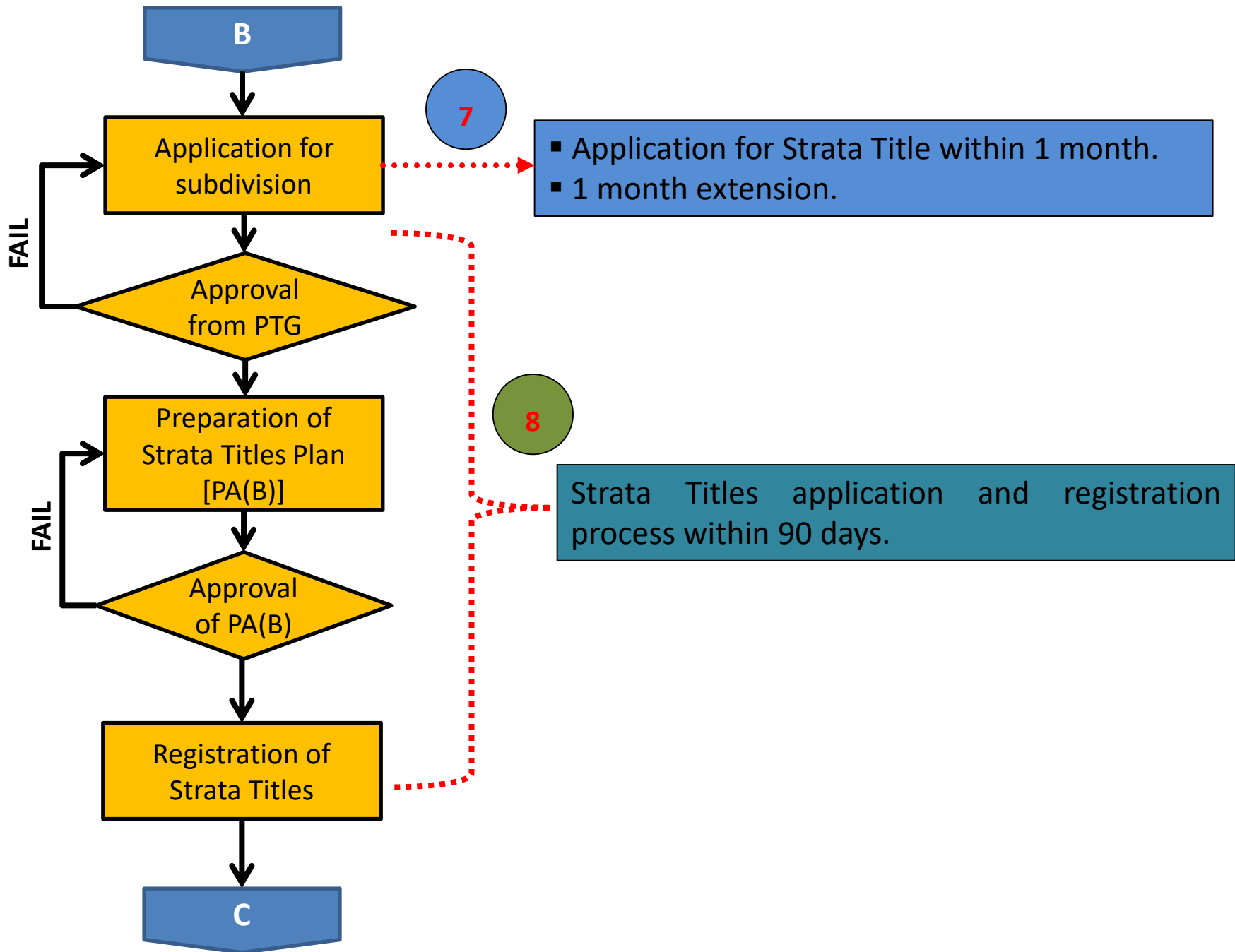




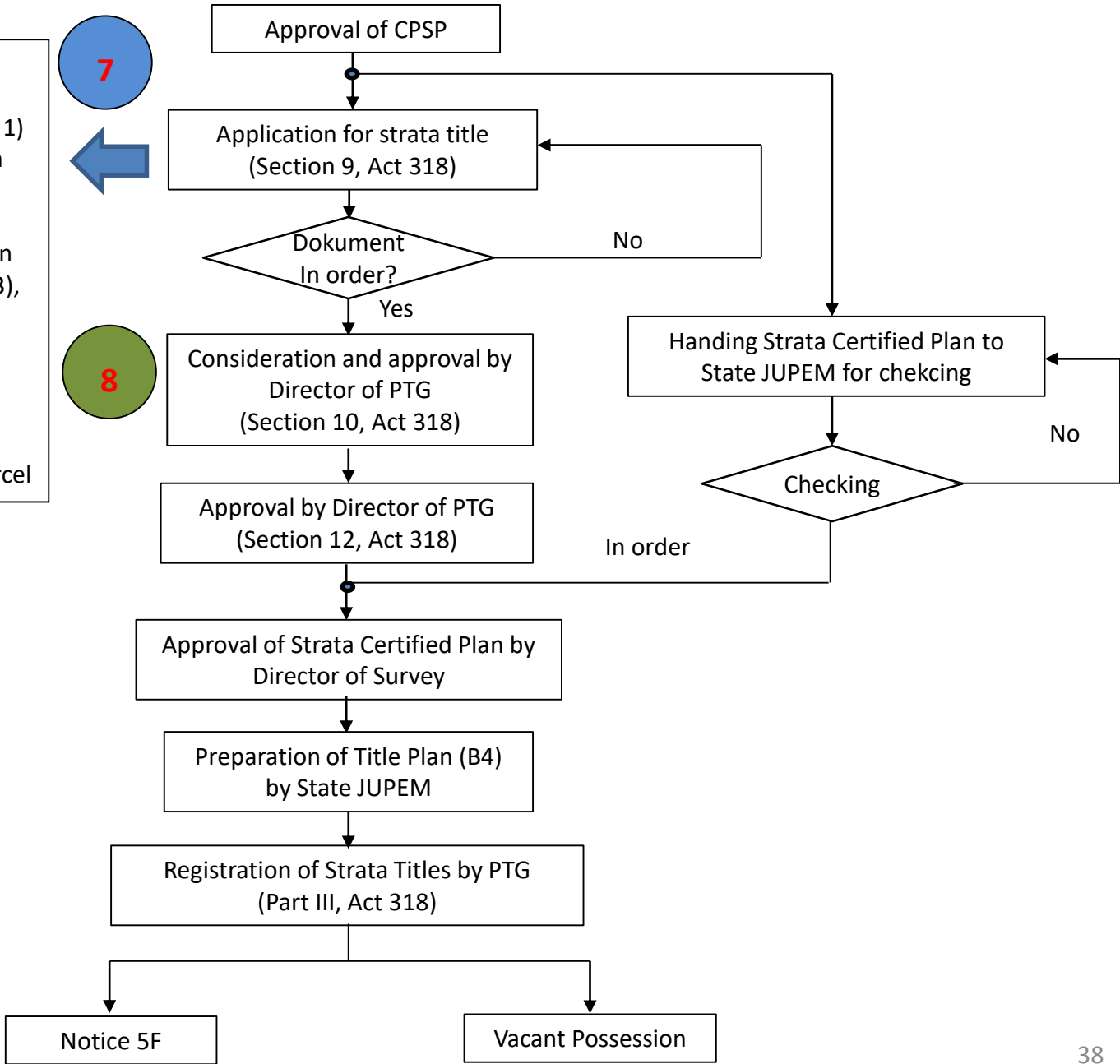


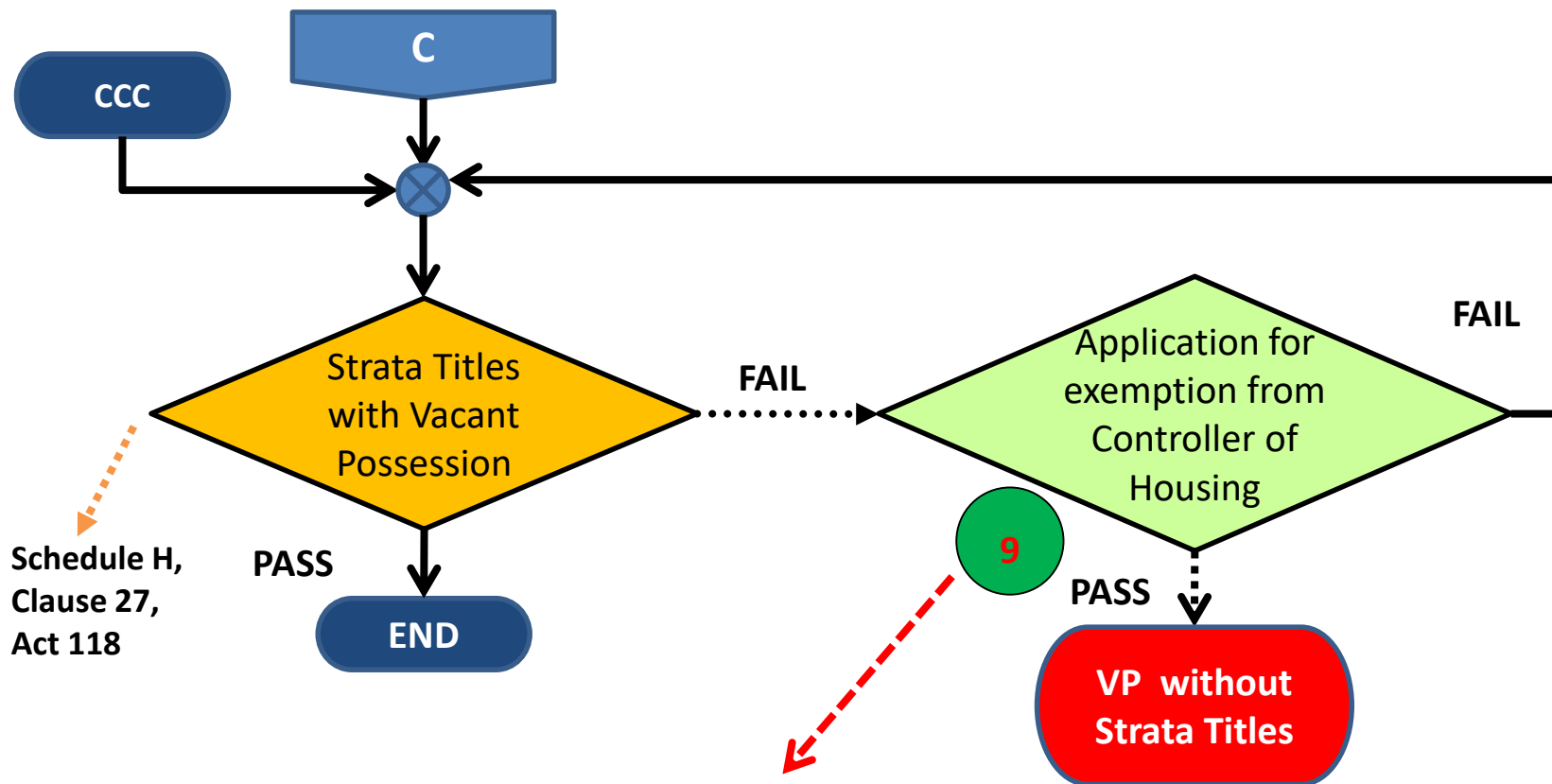
- CPSP Application condition**
1. Form 10
 2. Payment for survey fee (checking) [P.U.(A) 99]
 3. Original Building Plan
 4. Proposed Strata Plan
 5. Air Space permit
 6. Certification of Architech/Engineer
 7. Title search Final Title
 8. Certification copy of Super Structure Stage
 9. Copy of SiFUS





- Condition for strata title application**
1. Application form (Form 1)
 2. Payment for application and preparation of title
 3. CPSP
 4. Certificate of verification low-cost building [S9B(3), Act 318]
 5. Written concern from interested parties
 6. Propose MC name
 7. Original Final Title
 8. Copy of Schedule of Parcel

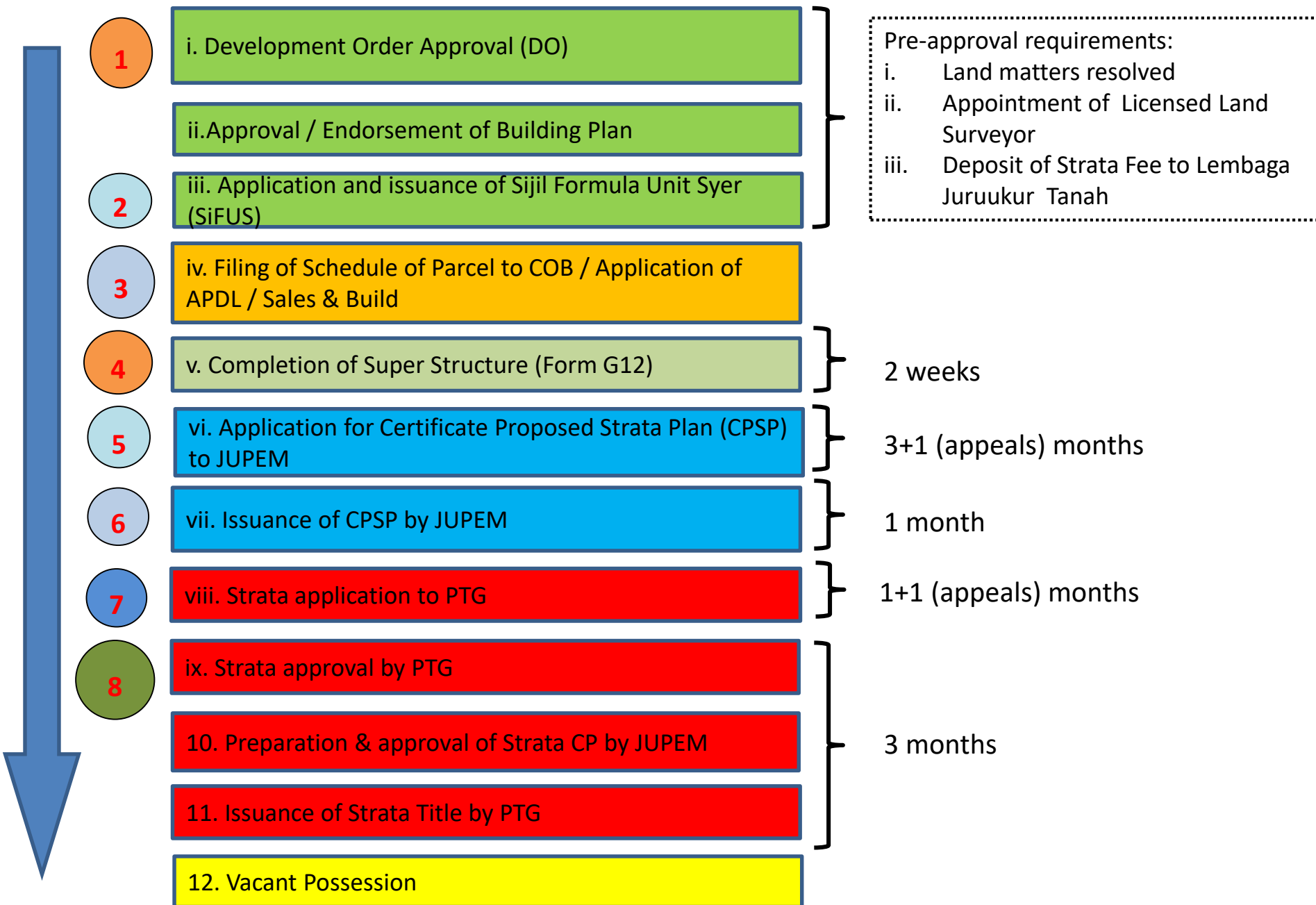




Exemption: Prove Strata Titles delay not caused by applicant

Schedule H, Clause 28 (Strata title not yet issued and transfer of title), Housing Development (Control and Licensing) Act 1966 Act 118

- Notification of Superstructure Stage within 2 weeks.
- Certificate Proposed Strata Plan (CPSP) issued.
- Application for submission ≥ 30 days.
- Application to PTG ≥ 90 days.
- Application to Controller of Housing before date of 1st Vacant Possession (VP).



Clause 27, Schedule H
Manner Of Delivery Of Vacant Possession
Housing Development (Control And Licensing) Act 1966 Act 118

27 (1) The developer shall let the purchaser into possession of the said parcel upon the following:

- (a) The issuance of a certificate of completion and compliance.
- (b) The separate strata title relating to the said parcel has been issued by the appropriate authority.
- (c) Water and electricity supply are ready for connection to the said parcel.
- (d) The purchaser having paid all monies in accordance with the Third Schedule (10% immediately upon signing of contract, 90% within 30 days after the receipt by purchaser of the developer's written notice of delivery of vacant possession supported by the certificate of completion and compliance) and all monies due under agreement and the purchaser having performed and observed all the terms and covenants on his part.
- (e) The completion of any alteration or additional work on building.

Clause 27, Schedule H
Manner Of Delivery Of Vacant Possession
Housing Development (Control And Licensing) Act 1966 Act 118

(2) The delivery of vacant possession by the developer shall be supported by a certificate of completion and compliance and includes the handing over of the keys of the parcel to the purchaser.

(3) Upon the expiry of 30 days from the date of service of a notice from the developer requesting the purchaser to take possession of the said land, whether or not the purchaser has actually entered into possession or occupation of the said parcel, the purchaser shall be deemed to have taken delivery of vacant possession.

Clause 28, Schedule H

Strata Title Not Yet Issued And Transfer Of Title

Housing Development (Control And Licensing) Act 1966 Act 118

28 (1) If the separate strata title to the said parcel is not issued for any reason not attributable to the developer, then the developer may apply to the controller for a certification in writing to deliver the vacant possession of the said parcel within the time stipulated for the handing over of vacant possession. The delivery of vacant possession of the said parcel to the purchaser shall be accompanied with a copy of the written certification issued by the controller.

(2) Upon the issued of the separate strata title to the said parcel, the developer shall, at no additional cost and expense to the purchaser, execute or cause the proprietor to execute and deliver a valid and registrable instrument of transfer of the said parcel to the purchaser or the purchaser's solicitor together with a separate strata title to be presented for registration in favour of the purchaser.

Clause 28, Schedule H

Strata Title Not Yet Issued And Transfer Of Title

Housing Development (Control And Licensing) Act 1966 Act 118

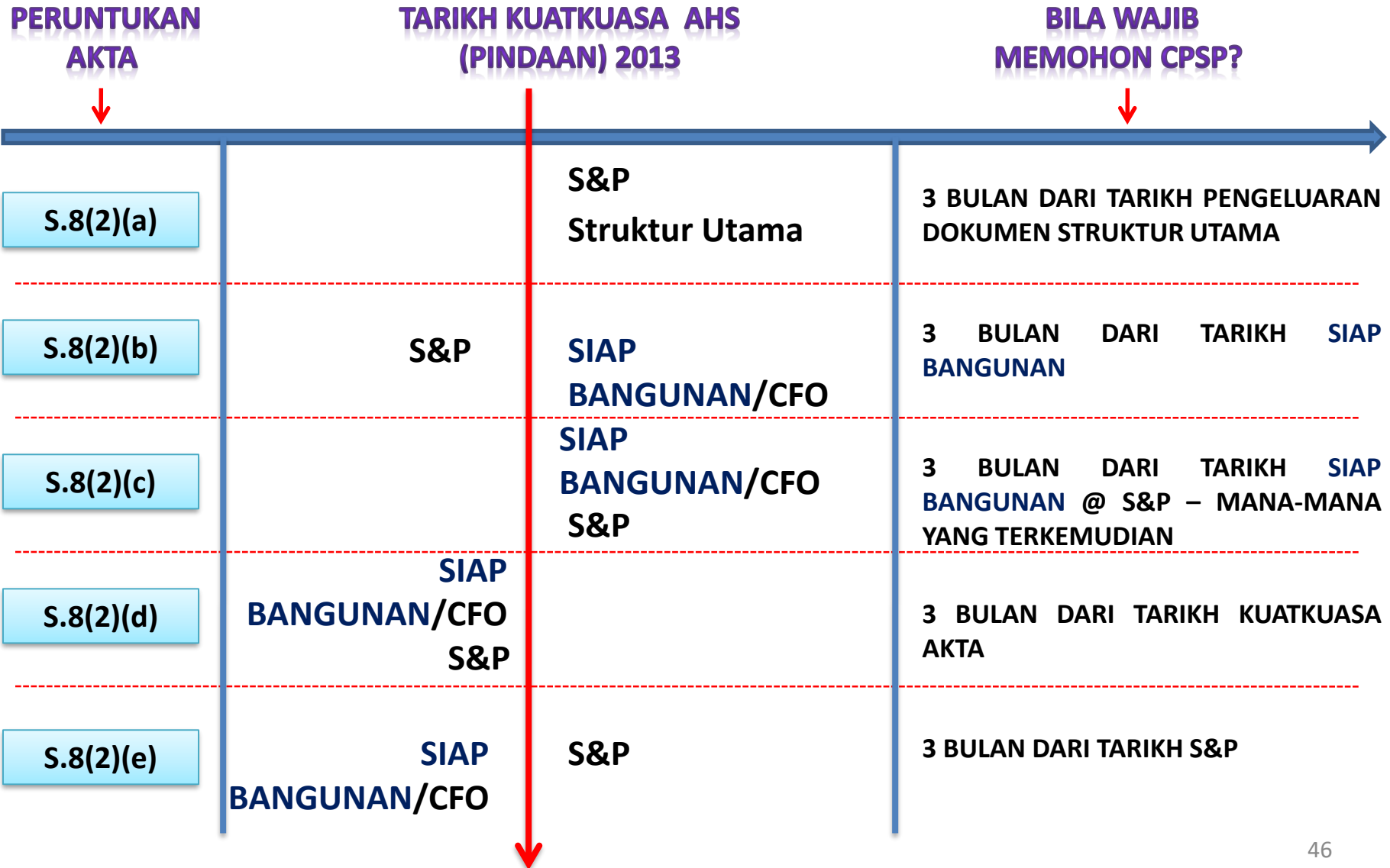
(3) When the document of separate strata title to the said parcel has been registered in the name of the purchaser, the developer shall hand over to the purchaser the original issue document of separate strata title registered in the name of the purchaser within 30 days from the date of registration.

(4) If the developer fails to comply, the developer shall be liable to pay to the purchaser liquidated damages calculated at the same rate as for delay in rendering vacant possession of the said parcel to the purchaser.

8. Hal Keadaan Yang Adalah Wajib Memohon Bagi Pecah Bahagi Bangunan Atau Tanah (Semasa)

(1) Pemilik asal mana-mana tanah beri hakmilik yang di atasnya terdapat bangunan yang boleh dikeluarkan hakmilik strata hendaklah dalam tempoh yang dinyatakan memohon mengikut subseksyen 8A(1) dan 9(1) untuk pecah bahagi bangunan atau tanah itu jika pada bila-bila masa dia telah menjual atau bersetuju untuk menjual mana-mana petak dalam bangunan atau tanah itu kepada mana-mana orang.

Seksyen 8(2)-(Baharu)



Seksyen 8(3) & 8(4) & 8(5)-(Semasa)

(3) Pemilik asal tanah beri hakmilik yang di atasnya bangunan atau tanah telah dikeluarkan sijil cadangan pelan strata di bawah subseksyen 8A(8), hendaklah memohon untuk pecah bahagi mengikut subseksyen 9(1) dalam tempoh satu(1) bulan dari tarikh pengeluaran sijil cadangan pelan strata.

(4) Tempoh yang dinyatakan boleh atas permohonan yang dibuat sebelum tamatnya tempoh itu, dilanjutkan sekali oleh Pengarah Ukur selama apa-apa tempoh lanjut yang tidak melebihi satu (1) bulan.

(5) Tempoh yang dinyatakan boleh atas permohonan yang dibuat sebelum habis tempoh itu, dilanjutkan sekali oleh Pengarah selama apa-apa tempoh lanjut tidak melebihi satu (1) bulan.

Seksyen S8(7) & S8(8)-(Baharu)

S8(7) - Jika permohonan tidak dibuat dalam tempoh yang dinyatakan, dan dalam tempoh pelanjutan yang diberikan berkenaan dengan sesuatu bangunan atau tanah, pemilik asal adalah melakukan suatu kesalahan.

S8(8)(a)

- ✓ Denda tidak kurang daripada **RM10,000** tetapi tidak lebih daripada **RM100,000**; atau
- ✓ Dipenjarakan untuk satu tempoh yang tidak melebihi **3 tahun** atau; dan
- ✓ Dalam hal kesalahan yang berterusan, didenda selanjutnya tidak kurang daripada **RM100** tetapi tidak melebihi **RM1,000** bagi setiap hari kesalahan itu terus dilakukan.

S8(8)(b) – Mahkamah boleh memberi perintah kepada pemilik asal memohon pecah bahagi bangunan atau tanah dalam masa yang ditetapkan dalam perintah.

Section 8(9) – Baharu

- ❑ **S8(9) - Memberitahu berkenaan tarikh di mana bangunan telah siap dibina di mana sijil siap pembinaan telah diisu dan diakui oleh Pihak Berkuasa Tempatan.**

8A. Permohonan Bagi Sijil Cadangan Pelan Strata (Semasa)

Seksyen 8A memperuntukkan permohonan bagi sijil cadangan pelan strata. Pemilik asal mana-mana tanah bermilik yang di atasnya terdapat bangunan atau tanah yang boleh dikeluarkan hakmilik strata hendaklah memohon sijil cadangan pelan strata. Sijil cadangan pelan strata adalah diperlukan untuk memohon pecah bahagi.

Seksyen 8A(1)-(Semasa)

❑ Pemilik hendaklah memohon Sijil Cadangan Pelan Strata (CPSP) daripada Pengarah Ukur dengan menggunakan Borang 10 beserta dengan:

- Fi ukur
- Salinan asal pelan bangunan (atau pelan yang disahkan oleh Juruukur tanah Berlesen atau Arkitek Profesional)
- CPSP mengandungi pelan lokasi, pelan tingkat, dan pelan tandaan yang mengandungi apa-apa butir sebagaimana yang dinyatakan bahawa Juruukur tanah Berlesen atau Arkitek Profesional telah membuat perbandingan dengan pelan yang telah diluluskan.

Seksyen 8A(1)-(Semasa)

- Salinan diperakui sah hak milik tetap bagi lot tanah.
- Salinan yang diperakui sah dokumen yang memperakukan peringkat struktur utama.
- Salinan yang diperakui sah perakuan siap dan pematuhan (CCC) atau sijil layak menduduki (CFO).
- Salinan diperakui sah jadual petak atau jadual petak berpinda yang difailkan dengan Pesuruhjaya di bawah Akta Pengurusan Strata 2013.

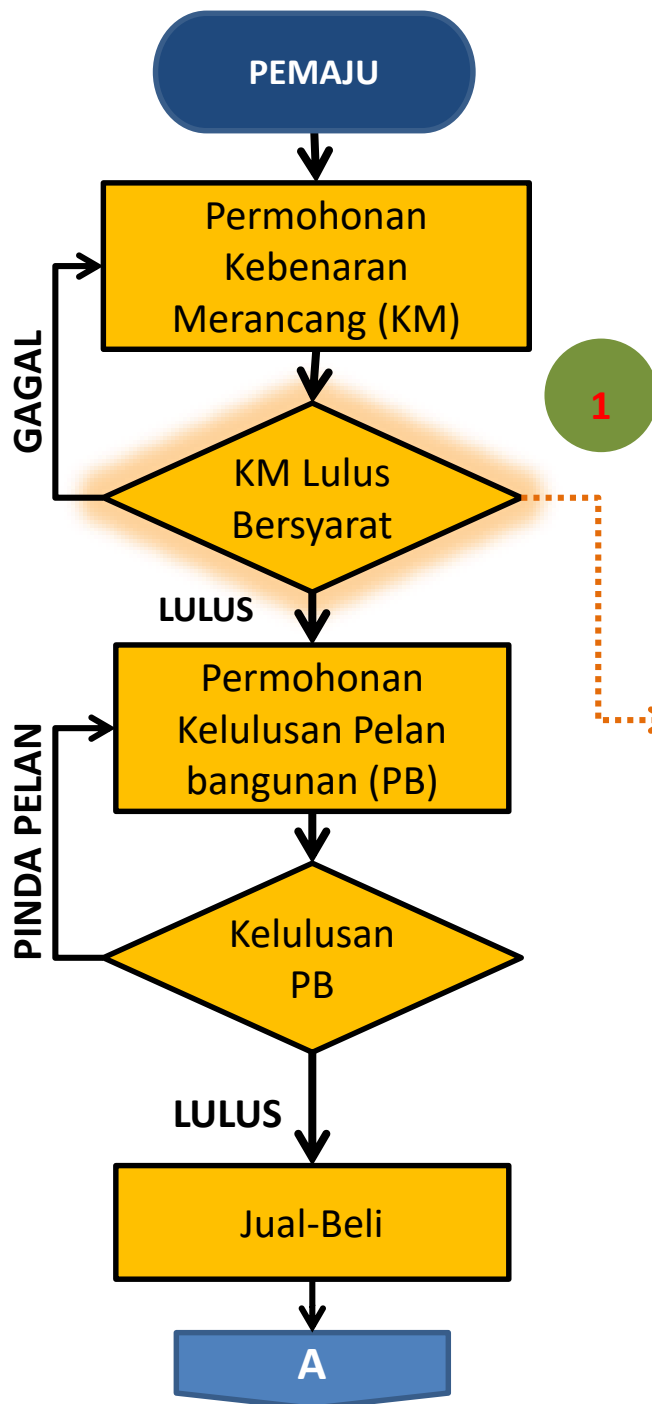
Section 8A(1A) – Baharu

□ Seksyen baharu 8A(1A) memperuntukkan Pengarah Ukur, dalam meluluskan sijil cadangan pelan strata – (a) bangunan khas, (b) dalam keadaan mana sesuai, boleh memberi pengecualian dokumen seperti perakuan arkitek atau jurutera dalam sijil siap pembinaan.

Bangunan Khas adalah bangunan yang diduduki sebelum Jun 1996 atau mana-mana bangunan yang diduduki dari Jun 1996 hingga 11 April 2007.

Seksyen 8A - (Baharu)





Memasukkan syarat berikut di dalam KM :

- i. "...Semua pemajuan yang akan dipecah bahagi untuk pengeluaran hakmilik strata bagi tujuan jualan, **wajib memohon Sijil Formula Unit Syer (SiFUS) kepada PTG Negeri dan memfailkan Jadual Petak kepada Pesuruhjaya Bangunan (COB)** sebelum penjualan mana-mana petak..."
- ii. "...Semua pemajuan yang akan dipecah bahagi untuk pengeluaran hakmilik **wajib memohon Sijil Formula Unit Syer (SiFUS) kepada PTG Negeri** dan memfailkan Jadual Petak kepada Pesuruhjaya Bangunan (COB) sebelum Permohonan Sijil Cadangan Pelan Strata, Certified Proposed Strata Plan (CPSP) kepada Pengarah Ukur dan Pemetaan Negeri..."
- iii. "...Semua pemajuan yang tidak dipecah bahagi untuk pengeluaran hakmilik strata **tidak wajib memohon Sijil Formula Unit Syer (SiFUS) kepada PTG Negeri dan memfailkan Jadual Petak kepada Pesuruhjaya Bangunan (COB)...**"
- iv. "...komposit lesen dan permit jualan hanya akan dikeluarkan oleh Bahagian Pelesenan Pemajuan Perumahan Jabatan Perumahan Negara (JPN) **selepas syarat-syarat SiFUS dan Jadual Petak dipenuhi...**"
- v. "...pemaju hendaklah mengemukakan sesalinan perakuan bahawa bangunan telah mencapai peringkat super structure ke pejabat tanah dalam tempoh **2 minggu** selepas mencapai peringkat tersebut."

PEMAJU

Permohonan Kebenaran Merancang (KM)

GAGAL

KM Lulus Bersyarat

LULUS

Permohonan Kelulusan Pelan bangunan (PB)

PINDA PELAN

Kelulusan PB

2

LULUS

Jual-Beli

A

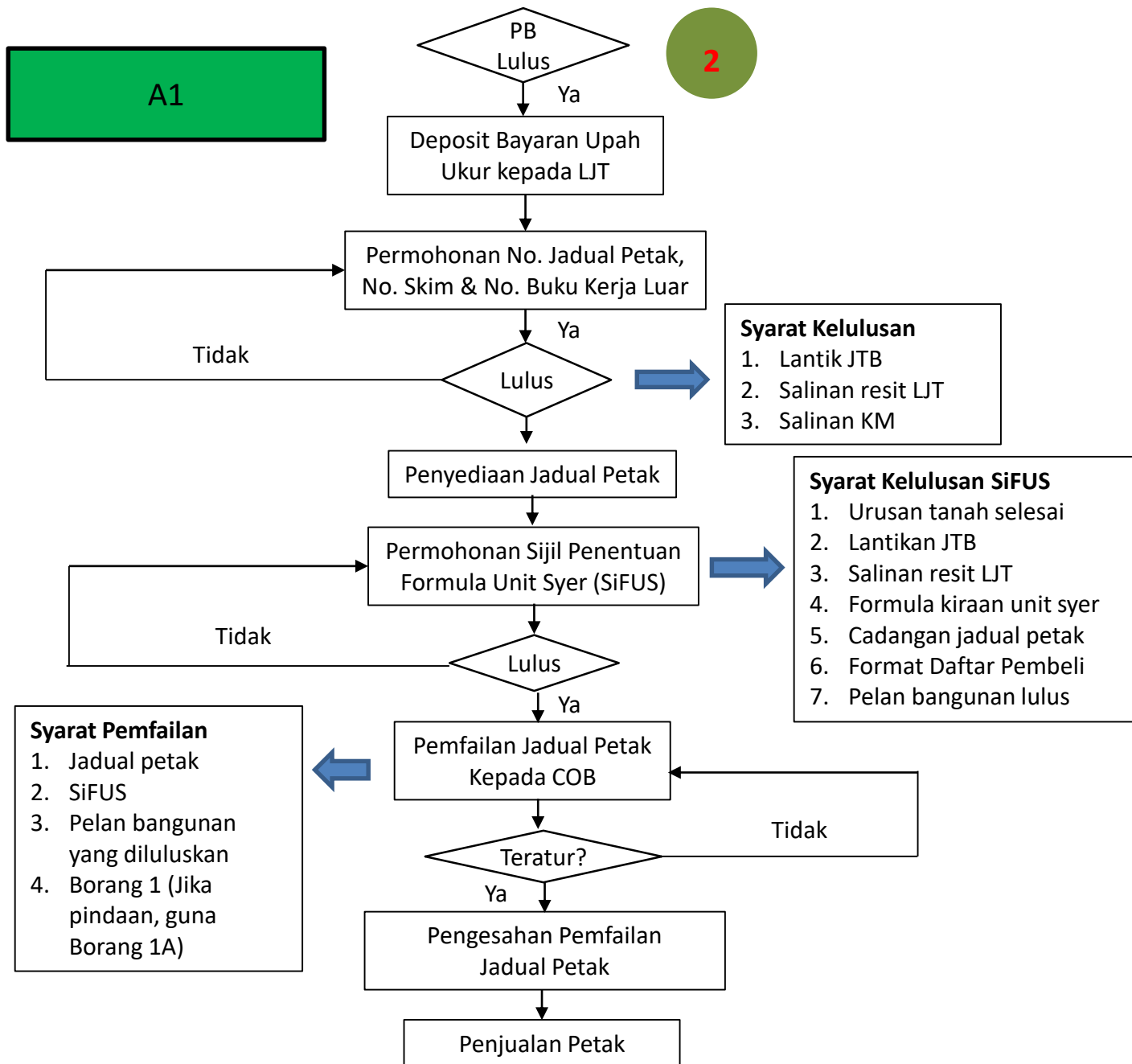
Syarat-syarat kelulusan SiFUS

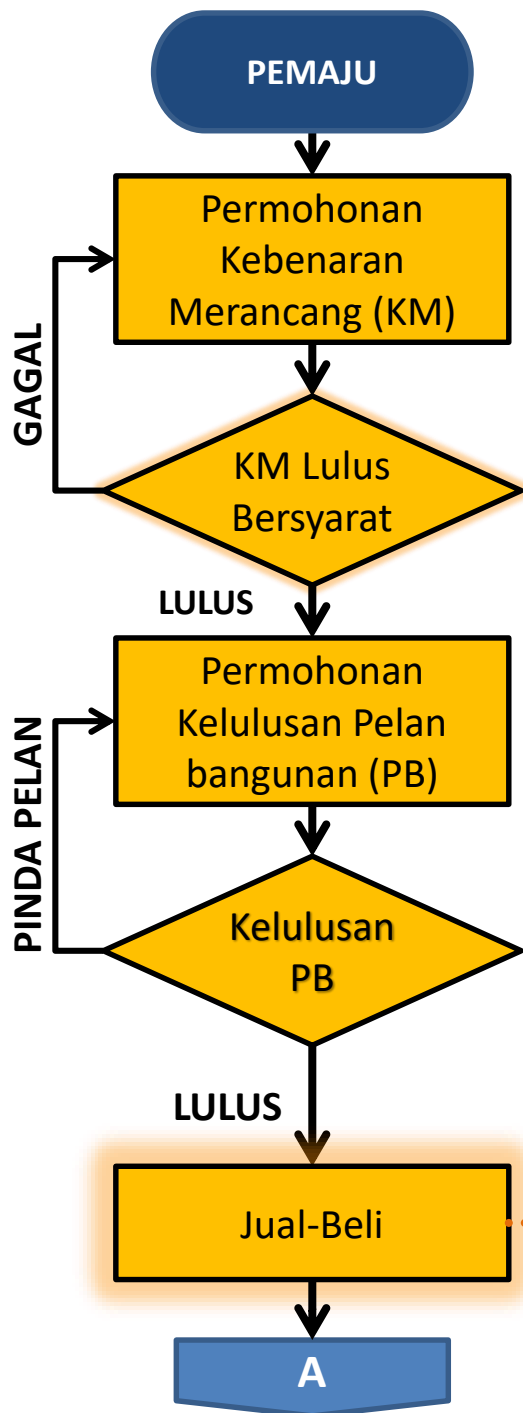
- i. Urusan Tanah selesai
- ii. Lantik JUBL
- iii. Resit deposit bayaran ukur
- iv. Formula Kiraan Unit Syer
- v. Jadual Petak yang diperakui oleh JUBL dan arkitek/Jurutera
- vi. Pelan Bangunan telah lulus

Permohonan SiFUS ke PTG oleh pemaju

Failkan Jadual Petak kepada COB

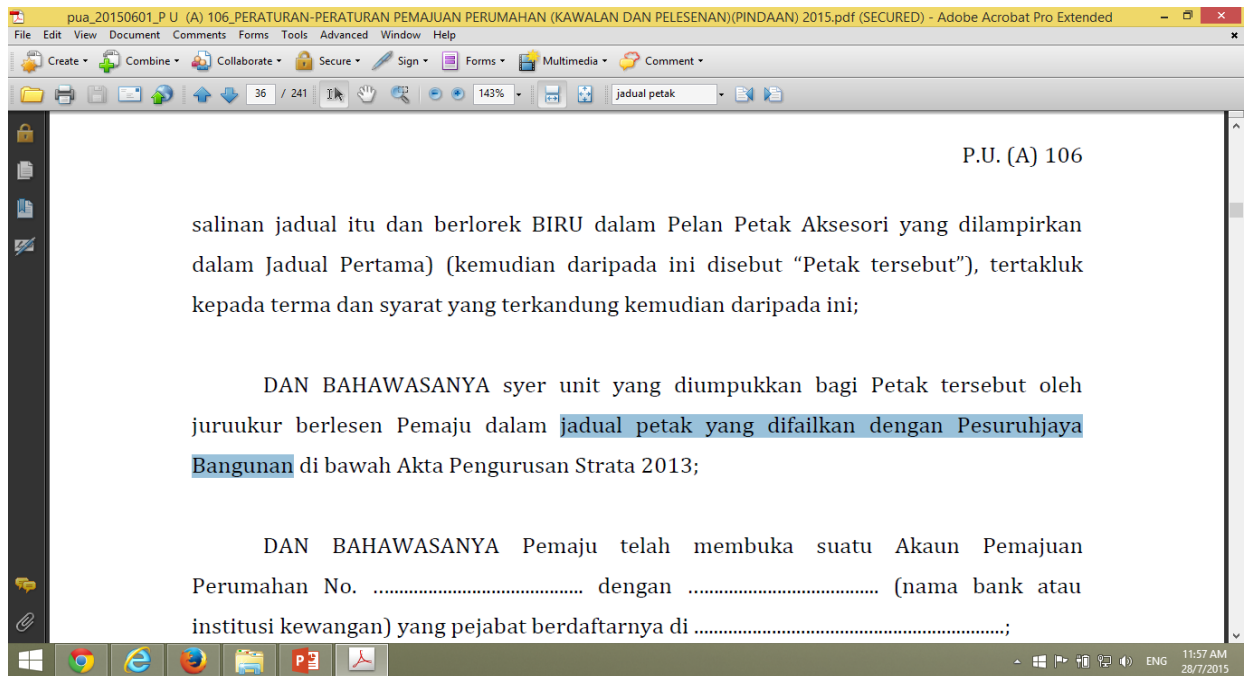
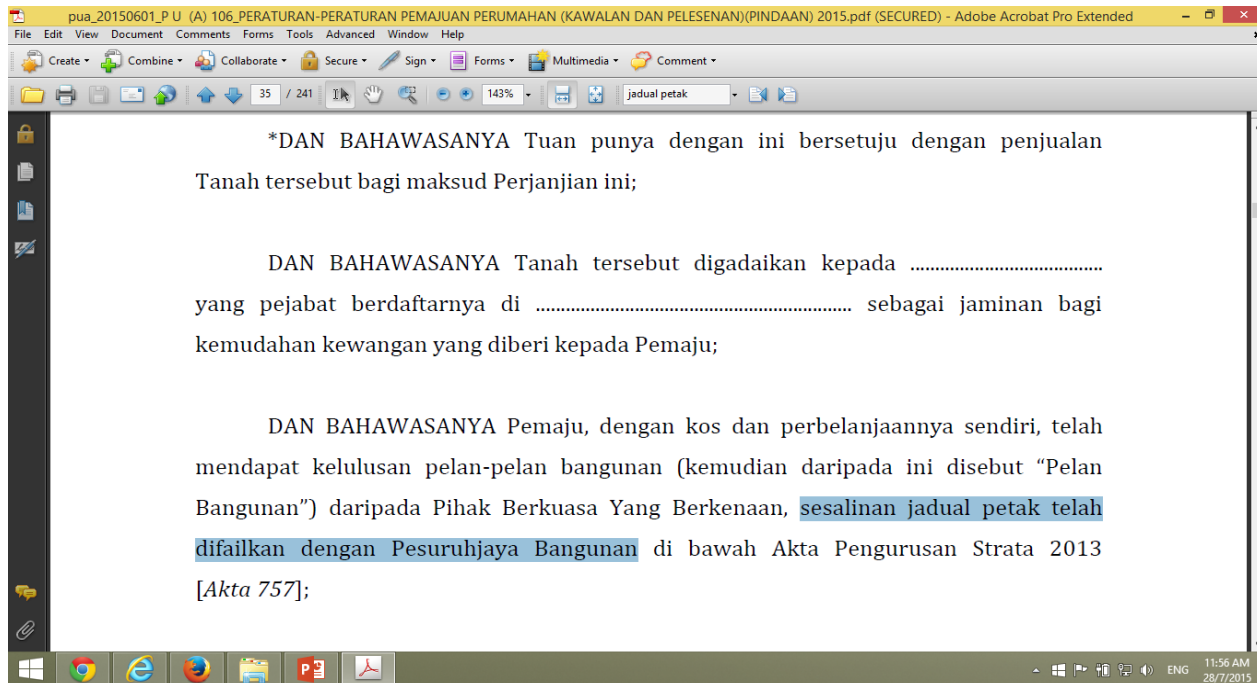
Rujuk A1

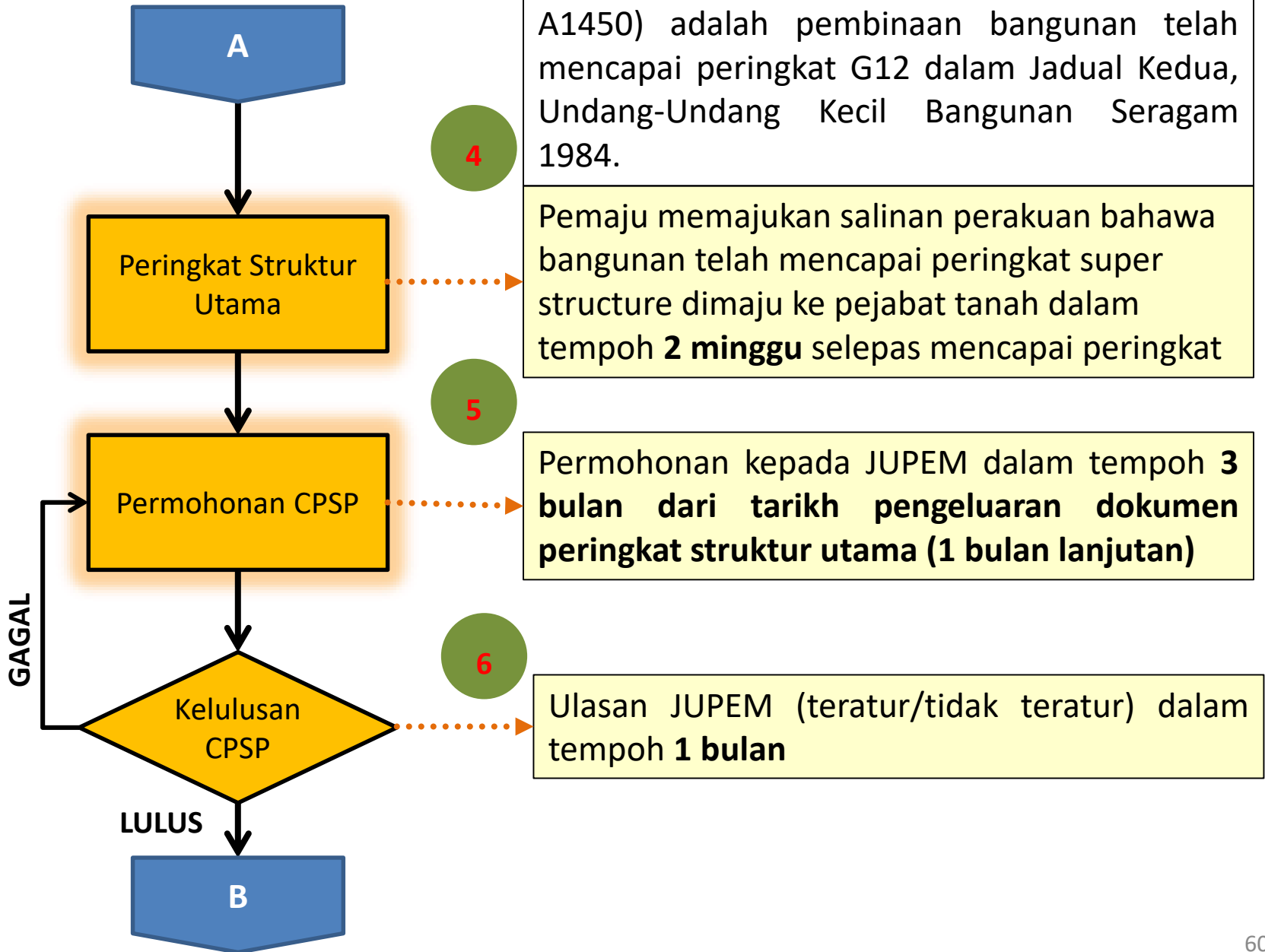




3

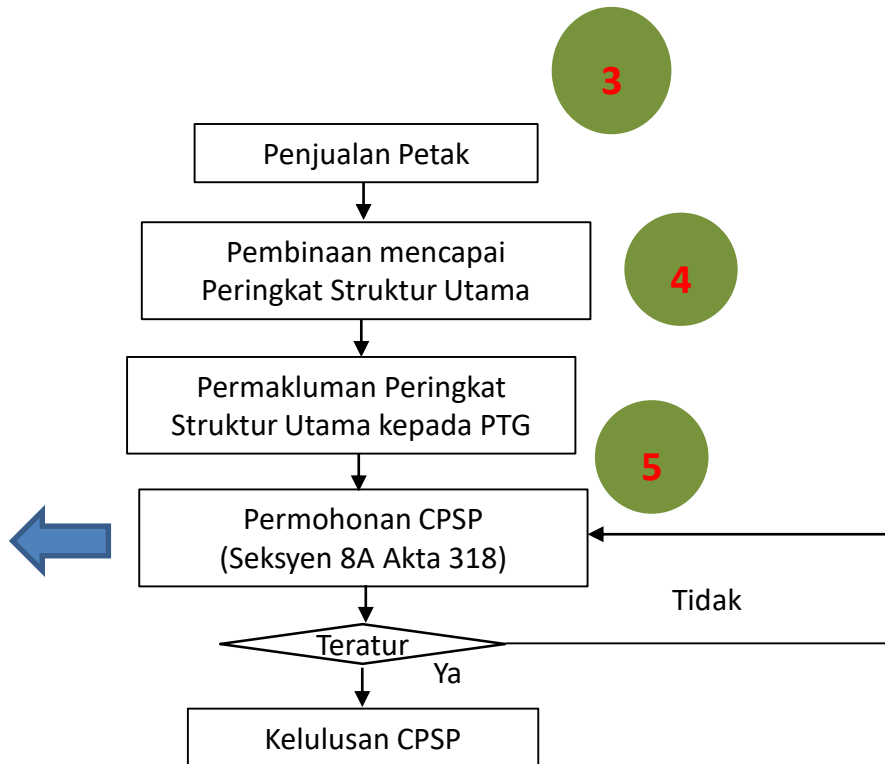
Syarat pengeluaran komposit lesen dan permit jualan adalah mesti ada SiFUS dan Jadual Petak.

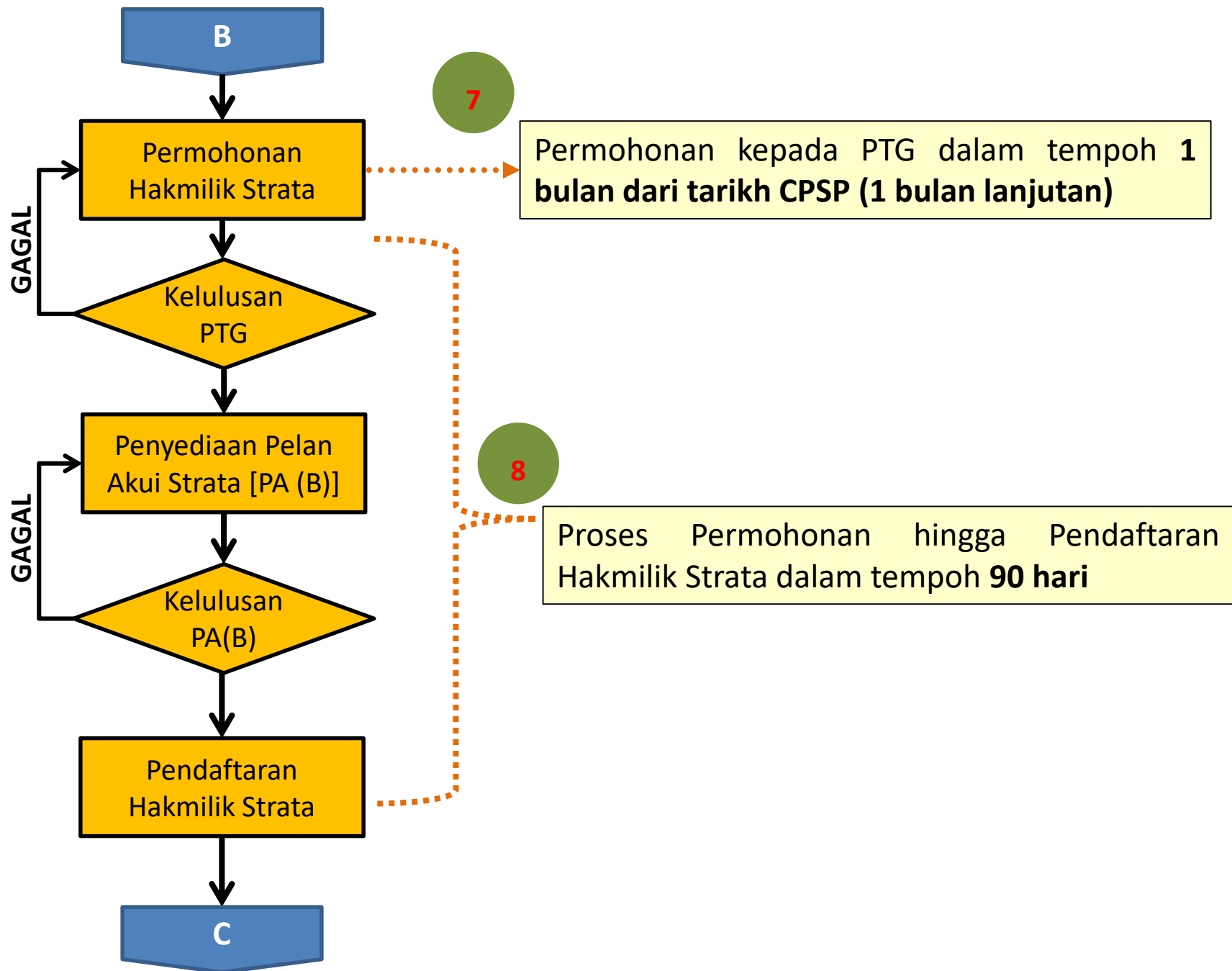




Syarat Permohonan CPSP

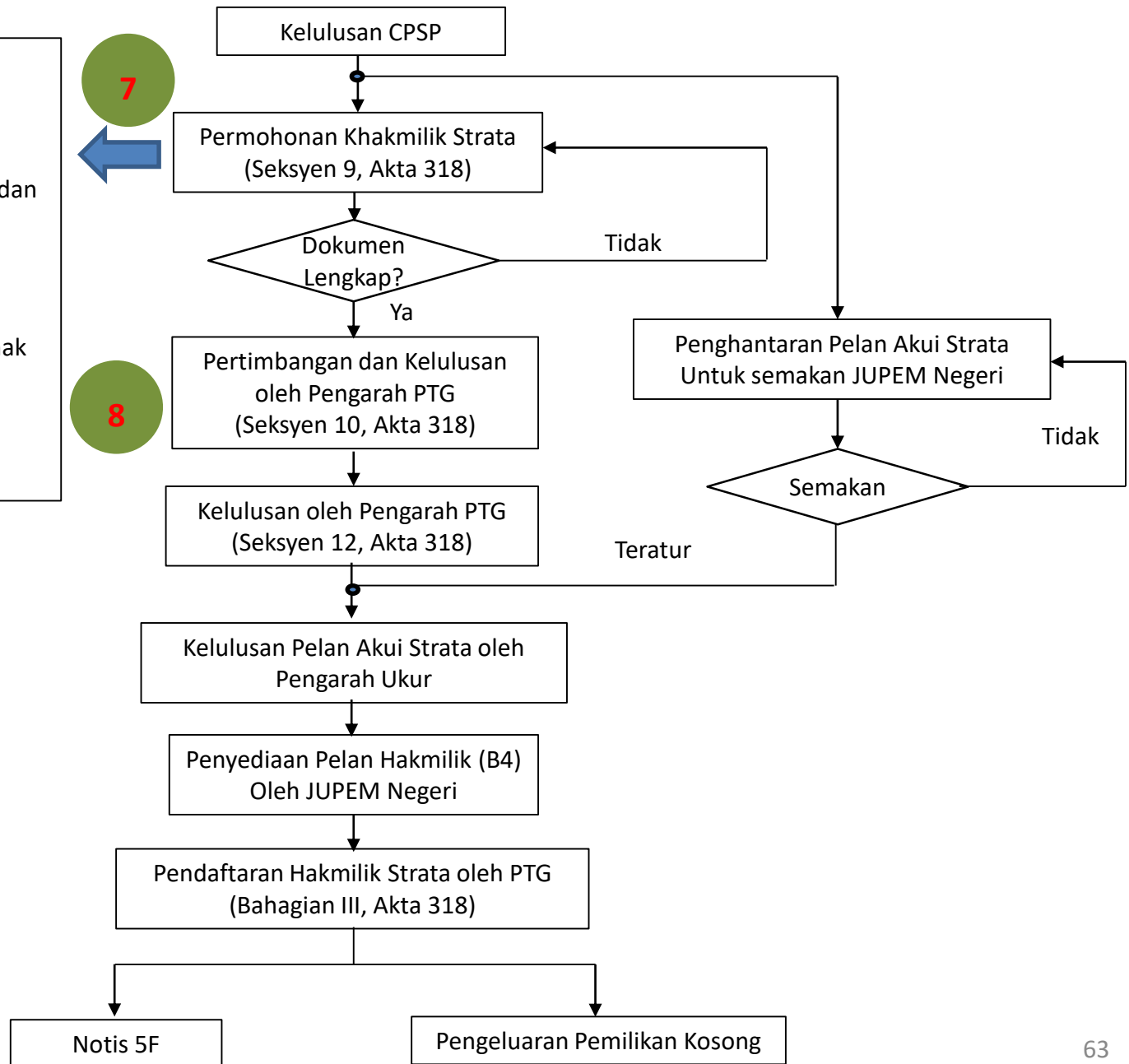
1. Borang 10
2. Bayaran semakan ukur [P.U.(A) 99]
3. Pelan bangunan asal
4. Cadangan pelan strata
5. Permit ruang udara
6. Perakuan Arkitek/Jurutera
7. Carian rasmi hakmilik tetap
8. Salinan sah perakuan struktur utama
9. Salinan SiFUS

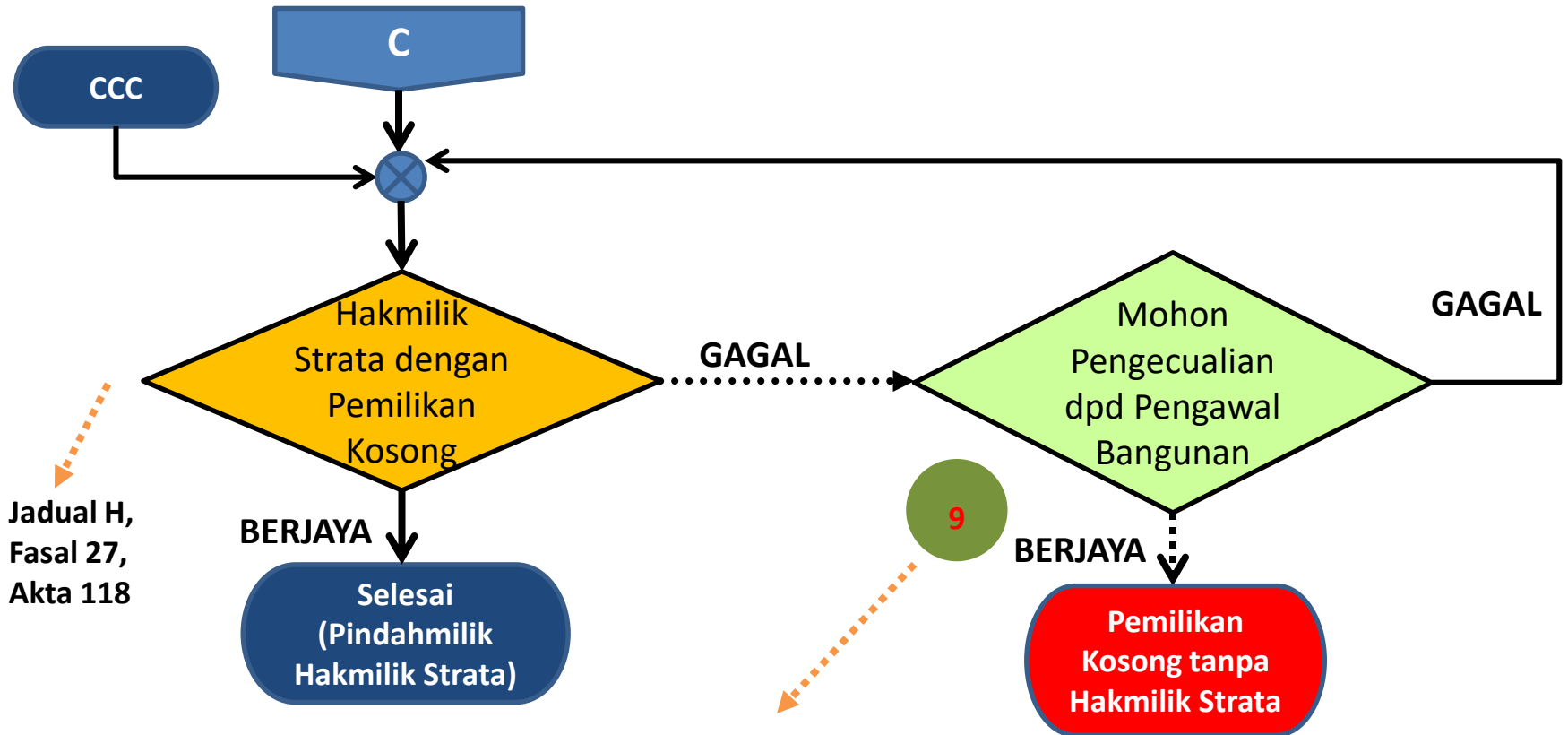




Syarat Permohonan Hakmilik Strata

1. Borang permohonan (Borang 1)
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





Pengecualian: Buktikan kelewatan hakmilik strata bukan disebabkan oleh pemohon.

Jadual H, Fasal 28 (Hakmilik strata belum dikeluarkan dan pemindahan hakmilik)

Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 Akta 118

i. **Garis panduan** kepada Pengawal untuk menimbangkan beri pengecualian untuk serah pemilikan kosong tanpa hakmilik strata. Perkara perlu dipertimbangkan oleh Pengawal:

- ✓ CPSP telah dikeluarkan
- ✓ Permohonan hakmilik strata tidak kurang daripada 30 hari bekerja
- ✓ Permohonan hakmilik strata telah dikemukakan ke PTG tidak kurang daripada 90 hari bekerja sebelum pemilikan kosong untuk petak pertama.
- ✓ Makluman peringkat struktur utama telah diberi dalam tempoh 2 minggu.
- ✓ Permohonan mesti dibuat sebelum tarikh serah pemilikan kosong petak pertama.

Jadual H, Fasal 27
Cara Penyerahan Pemilikan Kosong
Akta Pemajuan Perumahan (Kawalan Dan Pelesenan) 1966 Akta 118

27 (1) Pemaju hendaklah membenarkan pembeli mengambil pemilikan petak tersebut atas sebab yang berikut:

- (a) Pengeluaran perakuan siap dan pematuhan.
- (b) Hakmilik strata berasingan yang berhubung dengan petak tersebut telah dikeluarkan oleh Pihak Berkuasa Yang Berkenaan.
- (c) Bekalan air dan elektrik sedia untuk penyambungan ke petak tersebut.
- (d) Pembeli telah membayar segala wang yang kena dibayar mengikut Jadual Ketiga (10% sebaik selepas apabila tandatangani perjanjian, 90% dalam 30 hari selepas pembeli menerima notis pemaju bagi penyerahan pemilikan kosong dengan disokong dengan perakuan siap pematuhan) dan segala wang lain yang kena dibayar di bawah perjanjian dan pembeli telah melaksanakan dan mematuhi segala terma dan waad.
- (e) Penyiapan apa-apa perubahan atau kerja tambahan kepada bangunan.

Jadual H, Fasal 27
Cara Penyerahan Pemilikan Kosong
Akta Pemajuan Perumahan (Kawalan Dan Pelesenan) 1966 Akta 118

(2) Penyerahan pemilikan kosong oleh pemaju hendaklah disokong oleh suatu perakuan siap dan pematuhan dan termasuk penyerahan kunci petak kepada pembeli.

(3) Apabila selepas 30 hari dari tarikh penyampaian notis daripada pemaju yang meminta pembeli untuk mengambil pemilikan kosong, sama ada pembeli telah mengambil atau menduduki, dia disifatkan telah mengambil pemilikan kosong.

Jadual H, Perenggan 28

Hakmilik Strata Belum Dikeluarkan Dan Pemindahan Hakmilik Akta Pemajuan Perumahan (Kawalan Dan Pelesenan) 1966 Akta 118

28 (1) Sekiranya hakmilik strata berasingan petak tidak dikeluarkan atas apa jua sebab yang bukan disebabkan oleh pemaju, maka pemaju boleh memohon kepada pengawal suatu perakuan bertulis untuk menyerahkan pemilikan kosong petak dalam tempoh masa yang dinyatakan bagi menyerahkan pemilikan kosong. Penyerahan pemilikan kosong tersebut kepada pembeli hendaklah disertakan dengan sesalinan perakuan bertulis yang dikeluarkan oleh pengawal.

(2) Apabila hakmilik strata berasingan petak tersebut dikeluarkan, pemaju hendaklah tanpa kos dan perbelanjaan tambahan kepada pembeli, menyempurnakan atau menyebabkan tuan punya menyempurnakan dan menyerahkan surat cara pindah milik yang sah dan boleh didaftar bagi petak tersebut kepada pembeli atau peguam cara pembeli bersama dengan hakmilik strata berasingan untuk dikemukakan bagi pendaftaran atas nama pembeli.

Jadual H, Perenggan 28

Hakmilik Strata Belum Dikeluarkan Dan Pemindahan Hakmilik Akta Pemajuan Perumahan (Kawalan Dan Pelesenan) 1966 Akta 118

(3) Apabila dokumen hakmilik strata berasingan petak tersebut telah didaftarkan atas nama pembeli, pemaju hendaklah menyerahkan kepada pembeli dokumen hakmilik strata berasingan keluaran yang asal yang didaftarkan atas nama pembeli dalam masa 30 hari dari tarikh pendaftaran.

(4) Sekiranya pemaju tidak mematuhi, pemaju hendaklah bertanggung untuk membayar kepada pembeli ganti rugi jumlah tertentu yang dikira pada kadar yang sama bagi kelewatan dalam menyerahkan pemilikan kosong petak kepada pembeli.

SMA - Submission Of Schedule Of Parcels

- a) Submission of schedule of parcels to PTG for approval upon BP approval
- b) Approved Schedule of parcels to be file to COB prior to any sales of any parcels
- c) The approved Schedule shall be exhibited at developer office / sale office

SPA-Schedule H; (OLD vs CURRENT)

THIRD SCHEDULE
(Clause 4)
SCHEDULE OF PAYMENT OF PURCHASE PRICE

Instalments Payable	%
1. Immediately upon the signing of this Agreement	10
2. Within twenty-one (21) working days after receipt by the Purchaser of the Vendor's written notice of the completion of :-	
(a) the work below ground level of the said Building comprising the said Parcel including foundation of the said Building	10
(b) the structure framework of the said Building	15
(c) the walls of the said Parcel with door and window frames placed in position	10
(d) the roofing, electrical wiring, plumbing (without fittings), gas piping (if any) and internal telephone trunking and cabling to the said Parcel	10
(e) the internal and external finishes of the said Parcel including the wall finishes	10
(f) the sewerage works serving the said Building	5
(g) the drains serving the said Building	5
(h) the roads serving the said Building	5
3. On the date the Purchaser takes vacant possession of the said Parcel with water and electricity supply ready for connection	12.5
4. On the date the Purchaser takes vacant possession of the said Parcel as in item 3 and to be held by the Vendor's Solicitors as stakeholder for payment to the Vendor within twenty-one (21) working days after the receipt by the Purchaser of the written confirmation of the Vendor's submission to and acceptance by the Appropriate Authority of the application for subdivision of the said Building or Land, as the case may be	2.5
5. On the date the Purchaser takes vacant possession of the said Parcel as in item 3 and to be held by the Vendor's Solicitors as stakeholder for payment to the Vendor as follows :-	5
(a) two point five per centum (2.5%) at the expiry of eight (8) months after the date the Purchaser takes vacant possession of the said Parcel; and	
(b) two point five per centum (2.5%) at the expiry of twenty-four (24) months after the date the Purchaser takes vacant possession of the said Parcel.	
TOTAL	100

SCHEDULE H
THIRD SCHEDULE
(Clause 5)

SCHEDULE OF PAYMENT OF PURCHASE PRICE

Instalments Payable	%
1. Immediately upon the signing of this Agreement	10
2. Within thirty (30) days after receipt by the Purchaser of the Developer's written notice of the completion of—	
(a) the work below ground level of the said Building comprising the said Parcel including foundation of the said Building	10
(b) the structural framework of the said Parcel	15
(c) the walls of the said Parcel with door and window frames placed in position	10
(d) the roofing/ceiling, electrical wiring, plumbing (without fittings), gas piping (if any) and telecommunication trunking and cabling to the said Parcel	10
(e) the internal and external finishes of the said Parcel including the wall finishes	10
(f) the sewerage works serving the said Building	5
(g) the drains serving the said Building	2.5
(h) the roads serving the said Building	2.5
3. On the date the Purchaser takes vacant possession of the said Parcel, with water and electricity supply ready for connection	17.5
4. To be paid direct to the Developer, on the date the Purchaser takes vacant possession of the said Property as in item 3 where the Developer has executed and delivered to the Purchaser or the Purchaser's Solicitor the Instrument of transfer in favour of the Purchaser together with the original issue document of strata title to the said Parcel.	2.5
5. On the date the Purchaser takes vacant possession of the said Parcel as in item 3 and to be held by the Developer's solicitor as stakeholder for payment to the Developer as follows:	5
(a) two point five per centum (2.5%) at the expiry of eight (8) months after the date the Purchaser takes vacant possession of the said Parcel; and	
(b) two point five per centum (2.5%) at the expiry of twenty-four (24) months after the date the Purchaser takes vacant possession of the said Parcel.	

Existing Clause

4. On the date the Purchaser takes vacant possession of the said Parcel as in item 3 and to be held by the Vendor's Solicitors as stakeholder for payment to the Vendor within twenty-one (21) working days after the receipt by the Purchaser of the written confirmation of the Vendor's submission to and acceptance by the Appropriate Authority of the application for subdivision of the said Building or Land, as the case may be 2.5

New Amendment

4. To be paid direct to the Developer, on the date the Purchaser takes vacant possession of the said Property as in item 3 where the Developer has executed and delivered to the Purchaser or the Purchaser's Solicitor the instrument of transfer in favour of the Purchaser together with the original issue document of strata title to the said Parcel. 2.5

Bayaran Permohonan CPSP

Perintah Kanun Tanah Negara (Bayaran Ukur) (Pindaan) 2015 berkuatkuasa pada 1 Jun 2015. [P.U.(A) 99]

Permohonan Bagi Sijil Cadangan Pelan Strata

Ia meliputi pengukuran bagi permohonan pecah bahagi bangunan, bangunan dan tanah atau tanah bagi pengeluaran sijil cadangan pelan strata. Fi yang dikenakan adalah seperti berikut:

(a) Skim strata kos rendah $Fi = 5P + 2.5A + RM300.00$

(b) Skim strata bukan kos rendah $Fi = 10P + 5A + RM600.00$

Di mana:

P = jumlah petak

A = jumlah petak aksesori

Bayaran Permohonan CPSP

Low-cost strata scheme

$$\begin{aligned} \text{Total number of parcels} &= 500 \\ \text{Total number of accessory parcels} &= 750 \\ \text{Fee} &= 5P + 2.5A + \text{RM}300 \\ &= 5 * 500 + 2.5 * 750 + \text{RM}300 \\ &= 2,500 + 1,875 + \text{RM}300 \\ &= \text{RM}4,675-00 \end{aligned}$$

Bayaran Permohonan CPSP

Non low-cost strata scheme

$$\begin{aligned} \text{Total number of parcels} &= 500 \\ \text{Total number of accessory parcels} &= 750 \\ \text{Fee} &= 10P + 5A + \text{RM}600 \\ &= 10 * 500 + 5 * 750 + \text{RM}600 \\ &= 5,000 + 3,775 + \text{RM}600 \\ &= \text{RM}9,350-00 \end{aligned}$$

Application To Obtain CPSP

The National Land Code (Survey Fees) (Amendment) Order 2015 is effective 1st June 2015. [P.U.(A) 99]

Application for Certificate of Proposed Strata Plan

It covers the measurement of the application of subdivision of buildings, building and land or land for the issuance of the certificate of proposed strata plan. The fees charged are as follows:

- | | |
|--------------------------------|-----------------------------|
| (a) Low cost strata scheme | $Fi = 5P + 2.5A + RM300.00$ |
| (b) Not low cost strata scheme | $Fi = 10P + 5A + RM600.00$ |

Where: P = number of parcel

A = number of accessory parcels

Application To Obtain CPSP

Low-cost strata scheme

Total number of parcels	=	500
Total number of accessory parcels	=	750
Fee	=	$5P + 2.5A + \text{RM}300$
	=	$5*500 + 2.5*750 + \text{RM}300$
	=	$2,500 + 1,875 + \text{RM}300$
	=	$\text{RM}4,675-00$

Application To Obtain CPSP

Non low-cost strata scheme

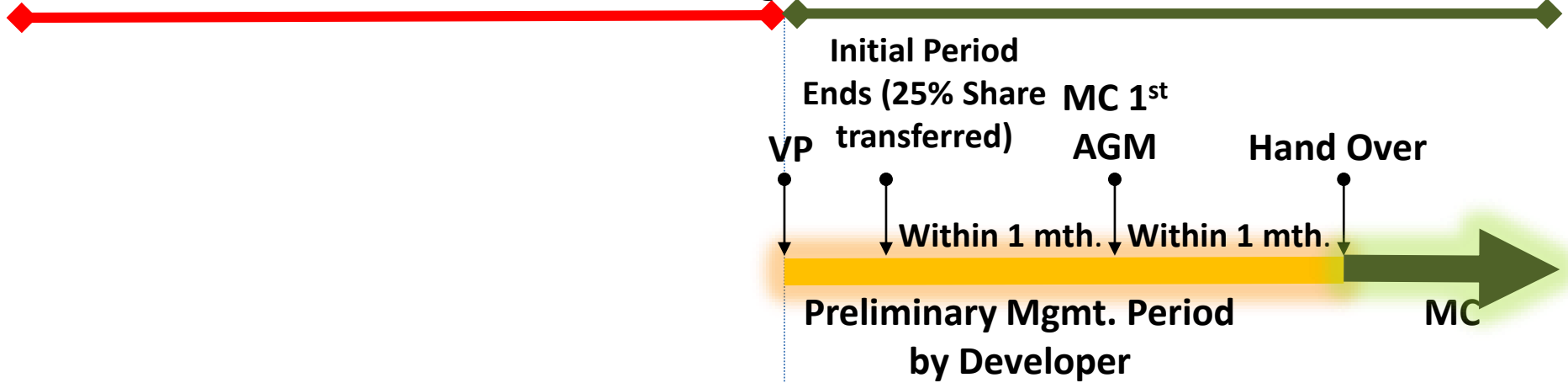
$$\begin{aligned} \text{Total number of parcels} &= 500 \\ \text{Total number of accessory parcels} &= 750 \\ \text{Fee} &= 10P + 5A + \text{RM}600 \\ &= 10 * 500 + 5 * 750 + \text{RM}600 \\ &= 5,000 + 3,775 + \text{RM}600 \\ &= \text{RM}9,350-00 \end{aligned}$$

Time-Line SMA 2013 (Act 757)

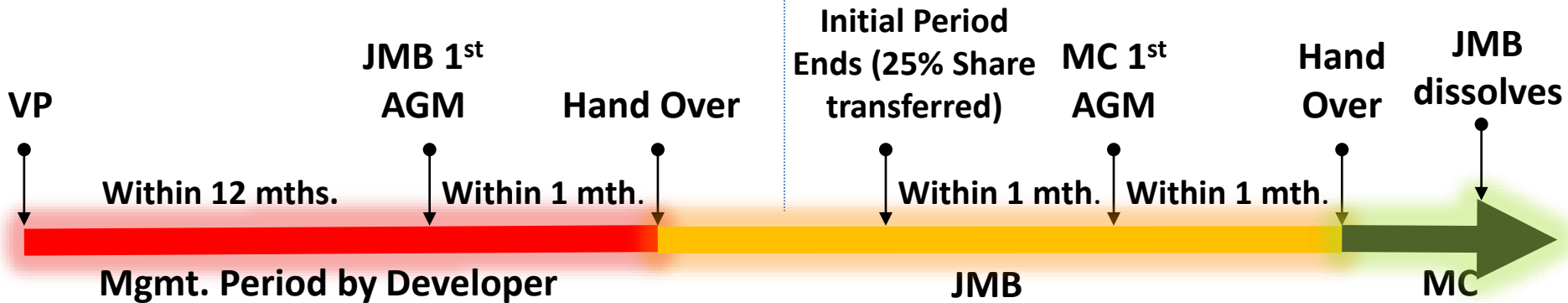
Before existence of MC

Strata Register

After existence of MC

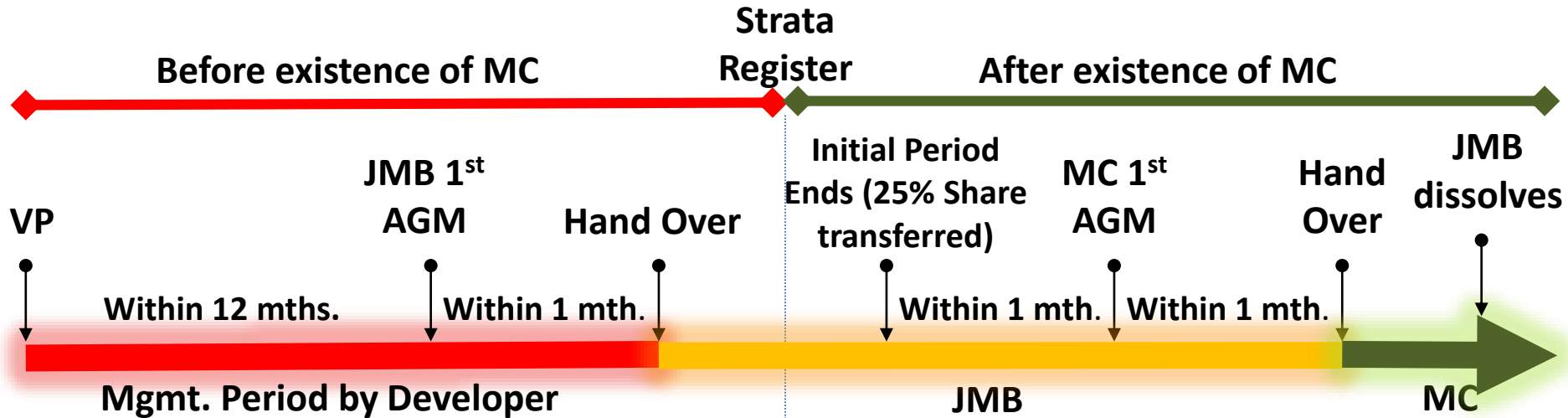


New Projects approved after implementation of Act 757 & Act 318 (as amended) with strata titles upon vacant possession



New Projects approved after implementation of Act 757 & Act 318 (as amended) without strata titles upon vacant possession

Time-Line SMA 2013 (Act 757)



Existing Completed Projects & Ongoing Approved Projects before implementation of Act 757 & Act 318 (as amended)

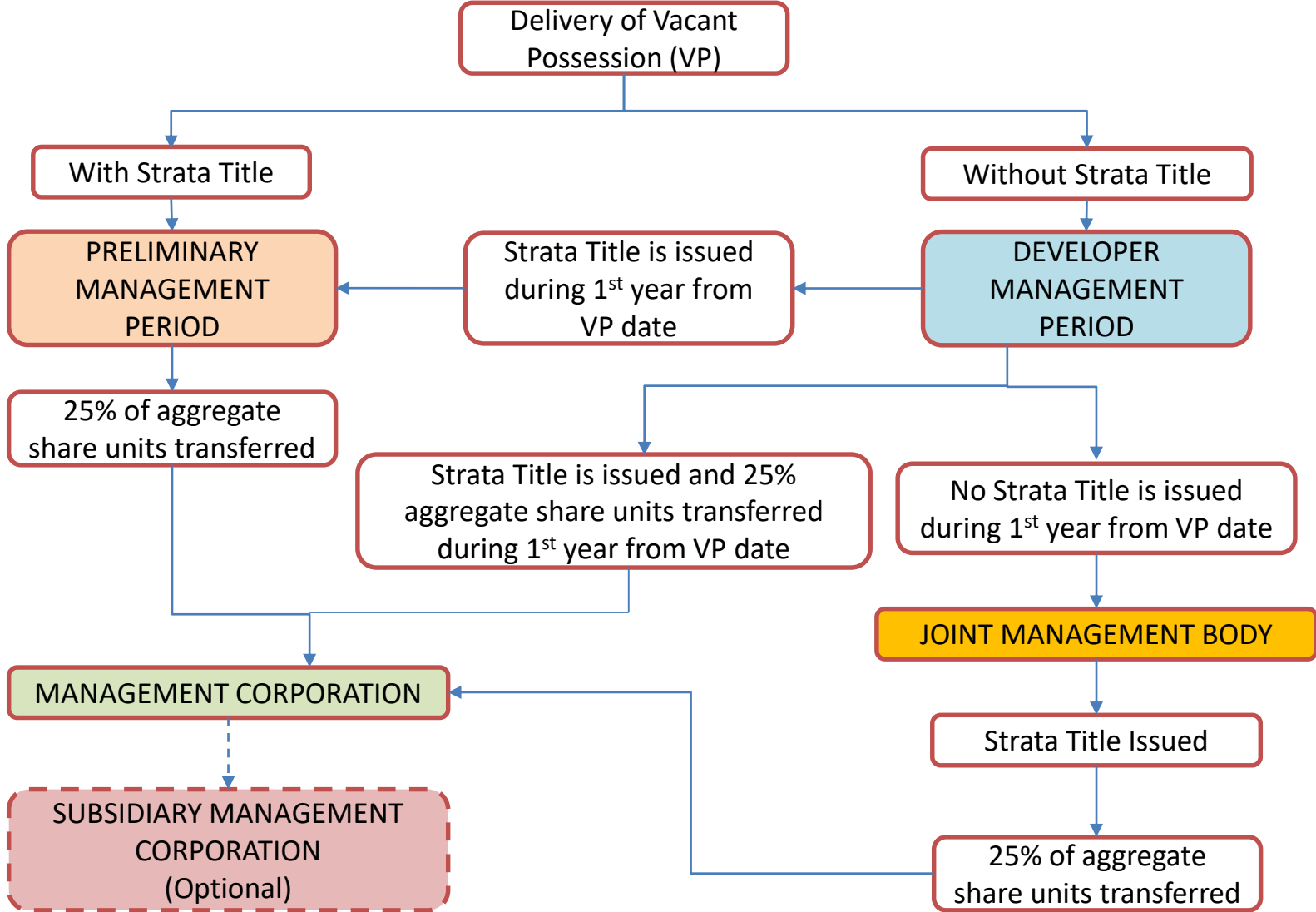
Exemption:

Prove Strata Title delay not caused by applicant

- ✓ Notification of Super Structure Stage within 2 weeks
- ✓ CPSP issued
- ✓ Application to PTG \geq 90 days
- ✓ Application to Controller of Housing before date of 1st VP

New Projects approved after implementation of Act 757 & Act 318 (as amended)

Formation Of The Management Body



Overview Of Strata Management Act 2013 (Act 757)

PART I: PRELIMINARY (SECTION 1-3)

- 1) Short title of the proposed Act and provisions on the commencement of the proposed Act. The proposed Act applies to Peninsular Malaysia and the Federal Territory of Labuan
- 2) The definitions of certain words and expressions used in the proposed Act
- 3) Construction of the act
 - ✓ Read and construed with the Strata Titles Act 1985 and subsidiary legislation made under the Strata Titles Act 1985

PART II: ADMINISTRATION OF THE ACT (SECTION 4)

- 4) Appointment of commissioner of buildings, deputies and other officers by the State Authority
 - ✓ Administering and carrying out the provisions of Act 757

Section 2 – Interpretation

Maintenance account

Sinking fund account

Means an account required to be opened and maintained by a developer, joint management body, management corporation or subsidiary management corporation under related section in SMA 2013.

Seksyen 2 – Tafsiran

Akaun penyenggaraan

Akaun kumpulan wang penjelas

Suatu akaun yang dikehendaki untuk dibuka dan disenggarakan oleh pemaju, badan pengurusan bersama (joint management body), perbadanan pengurusan (management corporation) atau perbadanan pengurusan subsidiary (subsidiary management corporation) mengikut seksyen yang berkenaan dalam APS 2013.

Section 2-Interpretation

Joint management body

A joint management body should be established upon first annual general meeting for joint management body-

- (a) If vacant possession has been issued before the commerce of SMA 2013, not later than 12 months from commerce of SMA 2013; or
- (b) If vacant possession has been issued after the commerce of SMA 2013, not later than 12 months from the date of vacant possession parcel to purchaser.

Seksyen 2 – Tafsiran

Joint management body/badan pengurusan bersama

Suatu badan pengurusan bersama hendaklah ditubuhkan apabila mesyuarat agung tahunan pertama bagi badan pengurusan bersama itu diadakan-

- (a) Jika milikan kosong telah diserahkan sebelum permulaan kuat kuasa APS 2013, tidak lewat daripada 12 bulan dari permulaan kuat kuasa APS 2013; atau
- (b) Jika milikan kosong diserahkan selepas permulaan kuat kuasa APS 2013, tidak lewat daripada 12 bulan dari tarikh penyerahan milikan kosong sesuatu petak kepada pembeli.

Section 2 – Interpretation

Management Corporation responsible for:

Any subdivision of building or land that shown in strata plan approved can be registered in strata register book, contain all parcel owners including phase development, owner of block/provisional block.

Seksyen 2 – Tafsiran

Perbadanan pengurusan bertanggungjawab untuk:

Mana-mana bangunan atau tanah yang dipecah bahagi yang ditunjukkan dalam pelan strata yang diluluskan boleh didaftarkan dalam buku daftar strata, terdiri dari semua pemilik petak termasuk dalam hal pembangunan berperingkat-peringkat, pemilik blok atau blok-blok sementara.

Overview Of Strata Management Act 2013 (Act 757)

PART III: DEALINGS IN BUILDING OR LAND INTENDED FOR SUBDIVISION INTO PARCELS (SECTION 5-6)

- 5) Provisions relating to dealings in buildings or lands intended for subdivision into parcels and the common property.
- Shall apply to any sale of a parcel by a developer on or after the commencement of the proposed Act.
- 6) Require the developer of a development area to file a schedule of parcels with the Commissioner showing the proposed share units of each parcel and the total share units of all the parcels before it can sell any parcel (for new strata development or development that still having sale after 1 June 2015)
- Schedule of parcels showing proposed share units or proposed quantum of provisional share units.
 - Developer who fail to comply, be liable to a fine ≤ 500K or to imprisonment ≤ 5 years or to both.

Overview Of Strata Management Act 2013 (Act 757)

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

- CHAPTER 1 (Section 7-8)
 - 7) Apply to a development area where before or after SMA 2013 where Vacant Possession as been delivered by developer to a purchaser or the management corporation has not come into existence (meaning no strata title yet).
 - 8) Allocated share units in accordance with the formula set out in the First Schedule (**For building completed, no more sale, but no share units and no strata title yet**).

Overview Of Strata Management Act 2013 (Act 757)

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

CHAPTER 2 (Section 9-16)

- ✓ Management by developer before joint management body is established
 - 9) Duties and powers of developer during developer's management period (responsible to maintain and manage properly building or land intended for subdivision into parcels and common property)
 - 10) Developer to establish maintenance account
 - 11) Developer to establish sinking fund account
 - 12) Purchaser and developer to pay charges, and contribution to sinking fund
 - 13) Prohibition on collection of moneys before accounts are opened
 - 14) Duties of developer in relation to accounts
 - 15) Handing over by developer to the Joint Management Body (JMB)
 - 16) Balances not transferred shall vest in JMB

Overview Of Strata Management Act 2013 (Act 757)

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

▪ CHAPTER 3 (Section 17-28)

✓ Management by JMB

- 17) Establishment of a JMB (established upon the convening of the first annual general meeting)
- 18) Duty of developer to convene first annual general meeting of JMB
- 19) First annual general meeting of JMB
- 20) Duty of JMB to inform its name to commissioner
- 21) Duties and powers of JMB
- 22) Joint management committee
- 23) JMB to establish maintenance account
- 24) JMB to establish sinking fund account
- 25) Parcel owners to pay charges, and contribution to the sinking fund, to the JMB
- 26) Duties of JMB in relation to accounts
- 27) Dissolution of JMB (shall be dissolve 3 months from the date of first general meeting of the management corporation)
- 28) Balances not transferred shall vest in management corporation

Section 21

Duties and power of joint management body

- (a) Properly maintain and manage the building or land intended for subdivision.
- (b) Determine and impose the charges to be deposited into maintenance account (maintenance fee).
- (c) Determine and impose the contribution to the sinking fund to be deposited into the sinking fund account.
- (d) To insure the building (common property).
- (e) Comply with notice or order given or made by local authority.
- (f) Prepare and maintain a register of all parcel owners of the buildings or lands.
- (g) Ensure that the accounts required are audited.
- (h) Enforce the by-laws.
- (i) To do such other things as may be expedient or necessary for the proper maintenance and management of the buildings and lands.

Section 21

Power of the joint management body

- (a) Collect the charges from the parcel owners in proportion to the allocated share units.
- (b) Collect the contribution to the sinking fund from parcel owners.
- (c) Authorize expenditure for the carrying out of the maintenance and management of the parcels.
- (d) Recover from the parcel owner any sum expended by JMB.
- (e) Purchase, hire or acquire movable property for use by the parcel owners.
- (f) Employ or arrange and secure the services of any person or agent.
- (g) Make additional by-laws.
- (h) To do all things reasonably necessary

Seksyen 21

Kewajipan badan pengurusan bersama

- (a) Menyenggarakan dan menguruskan bangunan atau tanah yang dicadangkan untuk dipecah bahagi.
- (b) Menentukan dan mengenakan Caj yang kena didepositkan ke dalam akaun penyenggaraan (maintenance fee).
- (c) Menentukan dan mengenakan caruman kepada kumpulan wang penjelas (sinking fund).
- (d) Menginsuranskan bangunan (harta bersama).
- (e) Mematuhi notis atau perintah PBT.
- (f) Menyediakan dan menyenggarakan suatu daftar bagi kesemua pemunya bangunan atau tanah.
- (g) Memastikan akaun diaudit.
- (h) Menguatkuasakan undang-undang kecil (by-laws).
- (i) Melakukan benda-benda lain yang difikirkan sesuai dalam menyelenggarakan bangunan atau tanah.

Seksyen 21

Kuasa badan pengurusan bersama

- (a) Memungut Caj daripada pemunya petak mengikut kadar unit syer.
- (b) Memungut caruman kepada kumpulan wang penjelas (sinking fund).
- (c) Membenarkan perbelanjaan bagi menjalankan penyenggaraan dan pengurusan petak.
- (d) Mendapatkan daripada mana-mana pemunya petak jumlah wang yang dibelanjakan oleh JMB.
- (e) Membeli, menyewa atau memperolehi harta alih bagi kegunaan pemunya petak.
- (f) Mengambil atau mengatur dan mendapatkan perkhidmatan ejen pengurusan.
- (g) Membuat undang-undang kecil tambahan (by-laws).
- (h) Melakukan perkara yang semunasabahnya perlu.

Kewajipan Am Pemilik

(1) tepat membayar kepada perbadanan pengurusan Caj dan caruman kepada kumpulan wang penjelas berkaitan petaknya, dan lain-lain wang yang dikenakan oleh atau kena dibayar kepada perbadanan pncngurusan di bawah Akta;

(2) tepat mcmbayar semua cukai tanah, cukai harta pihak berkuasa tempatan dan lain-lain caj dan perbelanjaan yang kena dibayar berkaitan petaknya;

(3) membenarkan perbadanan pengurusan dan penggaji atau ejennya, pada setiap masa yang munasabah dan dengan notis yang rnunasabah diberi (kecuali dalam kes kecemasan apabila tiada notis diperlukan), untuk memasuki petaknya untuk tujuan-

(a) menyiasat kebocoran atau lain-lain kecacatan bangunan;

(b) menyenggara, mernbaiki, membaharui atau menaik taraf paip, wayar, kabel dan saluran yang digunakan atau boleh digunakan, dengan dinikmati oleh mana-mana petak lain atau harta bersama;

(c) menyenggara, membaiki, membaharui atau menaik taraf harta bersama; dan

(d) melaksanakan apa-apa kerja atau melakukan apa-apa tindakan perlu yang munasabah untuk atau berkaiian dengan pelaksanaan kewajipannya di bawah Akta atau peraturan-peraturan di bawahnya, atau untuk atau berkaitan penguatkuasaan undang-undang kecil ini atau undang-undang kecil tambahan mclibatkan kawasan pemajuan;

Kewajipan Am Pemilik

(4) dengan kadar segera menjalankan semua kerja yang diperintahkan oleh mana-mana pihak berkuasa statutori atau awam yang kompeten berkaitan petaknya selain dari kerja untuk manfaat bangunan atau harta bersama;

(5) memperbaiki dan menyenggara petaknya, termasuk pintu dan tingkap dan menentukannya dalam keadaan baik, kelusuan munasabah, kerosakan akibat kebakaran, ribut, ribut kencang atau kejadian Tuhan dikecualikan, dan hendaklah menjaga kebersihan semua permukaan luar kaca di tingkap dan pintu di sempadan petaknya yang bukan harta bersama, melainkan perbadanan pengurusan menetapkan bahawa ia akan menjaga kebersihan kaca atau bahagian tertentu kaca yang tidak boleh diakses oleh pemilik dengan selamat atau secara langsung;

(6) menyenggara petaknya termasuk semuaengkapan kebersihan, perkakasan air, gas, elektrik dan penghawa dingin dalam keadaan yang baik supaya tidak menyebabkan apa-apa kebakaran atau letupan atau apa-apa kebocoran kepada mana-mana petak lain atau harta bersama atau supaya tidak menyebabkan apa-apa gangguan kepada pemilik. petak-petak lain dalam kawasan pemajuan;

Kewajipan Am Pemilik

(7) dengan kadar segera membaiki dan menyiapkan atas kos dan perbelanjaan sendiri apa-apa kerosakan pada petaknya jika kerosakan itu dikecualikan bawah mana-mana polisi insurans yang diambil oleh perbadanan pengurusan dan untuk menjalan dan menyiapkan pembaikan dalam tempoh masa yang dinyatakan oleh perbadanan pengurusan, alas kegagalan berbuat dernikian perbadanan pengurusan boleh menjalankan pembaikan itu dan kos sedemikian hendaklah dicaj kepada pemilik dan hendaklah kena dibayar atas tuntutan;

(8) tidak menggunakan atau membenarkan untuk digunakan petaknya dengan cara atau untuk tujuan yang akan mcnycbabkan kacau ganggu atau bahaya kepada mana-mana pemilik lain atau keluarga pemilik berkenaan dengan;

(9) tidak menggunakan atau membenarkan untuk digunakan petaknya bertentangan dengan terma kegunaan petak seperti ditunjukkan dalarn pelan diluluskan oleh pihak berkuasa yang relevan;

(10) memaklumkan perbadanan pengurusan dengan kadar segera apa-apa perubahan dalam pemilikan petaknya atau apa-apa urus niaga, gadaian, pajakan atau pewujudan apa-apa kepentingan, untuk dimasukkan dalam daftar strata; dan

(11) mengguna dan menikmati hartazhersama dalam cara yang tidak secara munasabah mengganggu kegunaan dan kenikmatan yang sarna oleh pemilik lain.

Overview Of Strata Management Act 2013 (Act 757)

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

- CHAPTER 4 (Section 29-31)
 - ✓ Miscellaneous provisions applicable to this Part
 - 29) Duty of developer in respect of charges for building or land intended for subdivision into parcels completed before commencement of this Act (Development area completed before the Act, no MC, six months after the establishment of JMB, submit to COB an audited account)
 - 30) Register of parcel owners (Prepare and maintain the register which contain the allocated share units, floor area, owner name and address etc.)
 - 31) Right of parcel owner or prospective purchaser (Owner can pay fee ≤RM50 to get certified information such as maintenance fee or sinking fund)

Overview Of Strata Management Act 2013 (Act 757)

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

▪ CHAPTER 4 (Section 32-34)

✓ Miscellaneous provisions applicable to this Part

- 32) By-laws for building or land intended for subdivision into parcels (Developer, JMB, MC can make by-laws within their management period within 14 days to COB, matters regarding safety and security, common property, keeping of pets, parking, floor coverings, refuse control, behaviour, architectural and landscaping, imposition fine ≤RM200)
- 33) Recovery of sum as a debt due to joint management body (JMB power to collect fee, owner responsible to pay fee, JMB can bring to court or Tribunal as any debt)
- 34) Procedure on recovery of sums due (Serve a written notice, if remains unpaid, after 14 days of notice, may file a summons or claim in court)

Overview Of Strata Management Act 2013 (Act 757)

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

▪ CHAPTER 4 (Section 35-36)

35) 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)

36) Moneys not required for immediate use (more than RM5000, put in FD)

Overview Of Strata Management Act 2013 (Act 757)

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
 - 47)Application
 - Shall apply to a development area specified where no joint management body is established for the development area
 - 48)Duties and powers of developer to maintain and manage Maintain and manage properly the subdivided building or land and common property)
 - 49)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
 - 53) 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)
 - 54) Duties of developer in relation to accounts
 - 55) 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.)

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 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)

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 66-69)
 - ✓ Subsidiary management corporation and limited common property
 - 66) Maintenance account of subsidiary management corporation
 - 67) Sinking fund account of subsidiary management corporation
 - 68) Proprietors to pay charges, and contribution to the sinking fund, to subsidiary management corporation
 - 69) Judgments against management corporation relating to limited common property

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 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 in force)

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

Overview Of Strata Management Act 2013 (Act 757)

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 inserer shall me immediately applied in rebuilding, replacing, repairing or restoring the building)

Overview Of Strata Management Act 2013 (Act 757)

PART IX (CHAPTER 1-6): DISPUTES AND STRATA MANAGEMENT TRIBUNAL (SECTION 101-124)

- CHAPTER 1 (Section 101)
 - ✓ General
 - Contains the definitions of certain words and expressions used in this Part

- CHAPTER 2 (Section 102-104)
 - ✓ Establishment and organization
 - Establishment of Tribunal
 - Members, terms of office and allowances
 - Secretary, officers and staff

Overview Of Strata Management Act 2013 (Act 757)

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
 - Sittings of tribunal
 - Right to appear at hearings
 - Proceedings to be public
 - Negotiation for settlement
 - Equal treatment of parties
 - Determination of rules and procedure
 - 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

Overview Of Strata Management Act 2013 (Act 757)

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
 - ✓ 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
 - ✓ 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

Overview Of Strata Management Act 2013 (Act 757)

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

Overview Of Strata Management Act 2013 (Act 757)

FIRST SCHEDULE	Formula for the computation of the allocated share units of parcels in relation to building or land intended for subdivision into parcels (Section 8)
SECOND SCHEDULE	Provisions for JMB, MC & SUB-MC [Subsection 22(2), 56(2) or 63(5)]
THIRD SCHEDULE	<p>FORM A WARRANT OF ATTACHMENT [Subsection 35(1) and 79(1)]</p> <p>FORM B NOTICE AND INVENTORY [Paragraph 35(4)(b) and 79(4)(b)]</p>
FOURTH SCHEDULE	<p>PART1 JURISDICTION OF THE TRIBUNAL [Subsection 105(1)]</p> <p>PART 2 ORDERS OF THE TRIBUNAL [Subsection 117(3)]</p>

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

Strata Management Act 2013 or Strata Titles Act 1985

Details	Strata Titles Act 1985/ Strata Management Act 2013
Establishment of corporation	Developer to convene the first annual general meeting of the management corporation within one month after the expiration of the initial period. (Subsection 57 (1))
Ownership of common property and custody of issue document of title	The management corporation shall become the proprietor of the common property and the custodian of the issue document of the lot. (Subsection 17B (1) Strata Titles Act 1985)

Summary

Strata Management Act 2013

Details	Strata Management Act 2013
Duties of corporation	To properly maintain and manage the subdivided building or land and the common property and keep it in a state of good and serviceable repair. (Section 59)
Power of corporation	<p>-To recover from any proprietor any sum expended by the management corporation.</p> <p>-To purchase, hire or otherwise acquire movable property for use by the proprietors in connection with their use and enjoyment of the common property. (Section 59)</p>

Strata Management Act 2013

Details	Strata Management Act 2013
By-laws	Management corporation may by special resolution make additional by-laws or make amendments to such additional by-laws for regulating the control, management, administration, use and enjoyment of the subdivided building or land and the common property (Section 70)
The management fund	The management corporation shall open and maintain a maintenance account in the name of management corporation, with the purposes of maintain the common property, paying for the expenses, paying any premiums for the insurance and others. (Section 60)

Strata Management Act 2013

Details	Strata Management Act 2013
Acquisition of additional land and grant and acceptance of easements	The management corporation if authorized by unanimous resolution may acquire land outside the lot to be used for purposes connected with the subdivided building or land; grant or accept the burden of an easement imposed on the lot for the benefit of some other land; accept the benefit of an easement imposed in favour of the lot on some other land. (Section 74)

Strata Management Act 2013

Details	Strata Management Act 2013
Rating	The management corporation shall within one month after its establishment, or within such further period as the rating authority may allow, supply the rating authority with two copies of the certified strata plan in respect of the subdivided building or land and with names and address of the members of the management committee. (Section 75)

Strata Titles Act 1985

Details	Strata Titles Act 1985
Termination of subdivision	The management corporation, where the building is totally destroyed; or the subsidiary proprietors seek to demolish the building or, in the case of a building which has been partially destroyed, the remaining parts of the building; or there is only one subsidiary proprietor, after make sure that no land revenue is outstanding may be directed by unanimous resolution to take action to terminate the subdivision of building if so directed shall lodge with the Registrar a notification in Form 6 in the First Schedule, together with the issue documents of title of the lot and the parcels. (Section 57 Strata Titles Act 1985)

Strata Titles Act 1985

Details	Strata Titles Act 1985
Rights of subsidiary proprietor in his parcel and in common property	<p>In relation to his parcel (parcel proprietor), the powers conferred by the National Land Code on a proprietor in relation to his land.</p> <p>In relation to the common property, the right of user which he would have if he and the other proprietors were co-proprietors thereof. (Section 34 Strata Titles Act 1985)</p>
Rights of support, service and shelter	<p>Each parcel proprietor shall be entitled to have his parcel sheltered by all such parts of the subdivided building or land as are capable of affording shelter and may, for the purpose of replacing, renewing or restoring any such shelter, enter upon the common property or any other parcel. (Section 35 Strata Titles Act 1985)</p>

Strata Titles Act 1985

Details	Strata Titles Act 1985
Restriction on voting rights	Where a subsidiary proprietor is for any reason unable to control his property, the powers of voting conferred on him by the Strata Management Act 2013 shall be exercisable by the person who is for the time being authorized by law to control that property. (Section 37 Strata Titles Act 1985)

Strata Titles Act 1985

Details	Strata Titles Act 1985
Power of Court where no person able to vote in respect of a parcel	Where the court of competent jurisdiction on the application of the management corporation or a proprietor, is satisfied that there is no person who is able to vote in respect of a parcel, the court shall in cases where a unanimous resolution is required; may. In any other case appoint a Public Trustee or some other fit and proper person to exercise such of the powers attached to the parcel by the Strata Management Act 2013. (Section 38, Strata Titles Act 1985)

Strata Management Act 2013

Details	Strata Management Act 2013
Second Schedule	Second Schedule in the Strata Management Act 2013 is about Provisions for Management Corporation. (related to subsection 22(2), 56(2) and 63(5))
Third Schedule	Third Schedule of Strata Management (Maintenance and Management) Regulation 2015 is By-Laws (related to Regulation 5 and 28) (related to Section 32, 70 and 71 in Strata Management Act)

Strata Management Act 2013

Details	Strata Management Act 2013
Establishment of corporation	Any developer fails to comply to convene first annual general meeting, shall commits an offence to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both. (Subsection 57 (2))
Pre-existing contracts	All the records will be handing over of control to management corporation. (Section 55) All right, power or remedy or any liability imposed on joint management body shall vest in the management corporation on the date of the expiry. (Section 28)

Strata Management Act 2013

Details	Strata Management Act 2013
Duties of the corporation	<p>-imposed parcel rent and management corporation only pay any relevant rent and rates. (Section 50 (3))</p> <p>-To effect insurance according to this Act to insure against other risks by special resolution direct. (Section 50 (3))</p>
Powers of the corporation	<p>-To collect charges and contribution to the sinking fund from the proprietors in proportion to the share units or provisional share units. (Section 59 (2))</p>

Strata Management Act 2013

Details	Strata Management Act 2013
Appointment of administrator for the corporation	Management corporation administer by management committee which shall perform the management corporation's duties and conduct the management corporation's business on behalf and may exercise any of the management corporation's powers. (Section 56)

Strata Titles Act 1985

Details	Strata Titles Act 1985
Service of documents	The management corporation established shall be known by the name appearing in the book of the strata register relating to a subdivided building or land, and shall be a body corporate. (Strata Titles Act 1985, Section 17).

Strata Management Act 2013

Details	Strata Management Act 2013
Power of Court where building damaged	The amount of expenditure of any money expended by the management corporation in performing the repairs, work or act shall be recoverable by it from that person as a debt in an action in any court of competent jurisdiction or before the Tribunal. (Section 59)

Strata Management Act 2013 / Strata Titles Act 1985

Details	Strata Titles Act 1985/ Strata Management Act 2013
Legal Proceeding	Every application to the court under the Act shall be summons in Chambers. (Section 75 Strata Titles Act)
Penalties	Maximum fine in Strata Management Act is less than RM250,000; less than 3 years imprisonment; or both

Strata Management Act 2013

Details	Strata Management Act 2013
Subsidiary legislation	The Minister may from time to time, after consultation with the National Council for Local Government, by order published in the Gazette, amend any of the Schedules. The Minister may make such incidental, consequential or supplementary provision as may be necessary or expedient. (Section 152)
Repeal and Saving	The Building and Common Property (Maintenance and Management) Act 2007 (Act 663) is repealed. (Section 153)

Strata Management Act 2013

Details	Strata Management Act 2013
Composition of council, election of members and tenure of office	Every management corporation shall have a management committee which shall consist of such number of persons not less than three (3) and not more than fourteen (14) natural persons (include the any member of Subsidiary Management Committee) as the management corporation may determine in a general meeting.
Re-election	All members of the management committee shall retire from office at the conclusion of the next annual general meeting. A retiring member of the management committee shall be eligible for re-election but no member of management committee shall hold office for more than three consecutive terms.

Strata Management Act 2013

Details	Strata Management Act 2013
Meetings of council	The council shall meet at such times and places and at such intervals as the chairman may decide, but shall not allow more than two months to lapse between the meetings.
Procedure at meetings of council	<p>-Questions arising at meetings shall be decided by simple majority vote, if on any question to be determined by the management committee there is equality of votes the chairman shall casting a vote.</p> <p>-Every meeting shall be presided over by the chairman of the management committee, and in the absence of the chairman, the members of the management committee who are present may elect one of them to chair such meeting.</p>

Strata Management Act 2013

Details	Strata Management Act 2013
Delegation of council's powers and duties	No delegation powers are allowed for management corporation.
Minutes and accounts	<p>The management committee shall</p> <ul style="list-style-type: none">(1) cause to be prepared account and records of accounts and enable true and fair balance sheet, income and expenditure statement profit and loss statement to be prepared;(2) on the application of a proprietor or chargee of a parcel or a proprietor of a provisional block (or any person authorized in writing by him) make the books of accounts available for inspection during office hours of the management corporation with a fee not exceeding fifty ringgit for each inspection.

Strata Management Act 2013

Details	Strata Management Act 2013
Annual general meetings	The first annual general meeting shall be held within one month after the after the expiry of the initial period and subsequent annual general meetings shall be held once in each year, provided that not more than fifteen months shall elapse between the date of one annual general meeting and the next.
Notice of general meeting	At least fourteen days' notice of any general meeting shall be given to every proprietor shall include the place, date and time for the meeting; each proposed resolution to be considered at the meeting and a notification to each proprietor of his voting rights and that he may vote in person or by proxy at the meeting.

Strata Management Act 2013

Details	Strata Management Act 2013
Quorum at general meeting	One half of the proprietors entitled to vote present either in person or by proxy, shall constitute quorum at general meeting. If within half an hour the time appointed for a general meeting, a quorum is not present, those proprietors entitled to vote who are present shall constitute a quorum.
Chairman of general meeting	Every general meeting shall be presided over by a chairman, who shall be elected by those proprietors present who are entitled to vote among proprietors and the chairman shall preside over such meeting until its conclusion.

Strata Management Act 2013

Details	Strata Management Act 2013
Proxies	<p>An instrument appointing a proxy who need not be a proprietor shall be in writing under the hand of the proprietor making the appointment or his attorney, and may be either general for a particular meeting; if the proprietor appointing the proxy is a company, society, statutory body or any other body, under seal or under the hand of an office or its attorney duly authorized.</p>

Strata Management Act 2013

Details	Strata Management Act 2013
Voting rights of proprietors	<p>Each proprietor who is not a co-proprietor shall have one vote in respect of each parcel in a show of hands and on a poll, shall have such number of votes as that corresponding with the number of share unit or provisional share units attached to his parcel or provisional block.</p> <p>A proprietor not entitled to vote if on the seventh day before the date of the meeting, all or any part of the Charges, or contribution to the sinking fund are in arrears.</p>

Strata Management Act 2013

Details	Strata Management Act 2013
Special resolution	A special resolution means a resolution which passed at a duly convened general meeting of which at least twenty-one days' notice specifying the proposed resolution has been given, and carried by a majority consisting of not less than three-quarters of the valid votes cast at the general meeting by a show of hands, or if a poll is demanded and taken, by a majority consisting of not less than three-quarters in number of the valid votes cast on such poll.

Strata Management Act 2013

Details	Strata Management Act 2013
Meeting of council	Notice of every meeting shall be given to all members of the management committee not less than seven days before the date appointed for the meeting.
Procedure at meetings of council	Except where there is only one proprietor, a quorum at meetings of the council shall be.
Council's power to employ agents and servants	The management committee may employ on behalf of the management corporation such agents and servants as it thinks fit in connection with the exercise of the powers and the performance of the duties of the management corporation in a yearly basis.

Strata Management Act 2013

Details	Strata Management Act 2013
Minutes and accounts	The management committee shall keep minutes of its proceedings and minutes of general meetings.
Annual general meetings	The management corporation shall hold an annual general meeting for the consideration of accounts, election of the management committee and the transaction of such other business as may arise.

Strata Management Act 2013

Details	Strata Management Act 2013
Extraordinary general meetings	A general meeting of the management corporation other than annual general meeting known as the extraordinary general meeting. The management committee shall convene an extraordinary general meeting upon a requisition in writing made by proprietors who are together entitled to at least one quarter of the aggregate share units.
Manner of deciding questions at general meetings	Any matter that requires a decision at a general meeting shall be decided on a show of hands unless a poll is demanded by a proprietor or his proxy.

Strata Management Act 2013

Details	Strata Management Act 2013
Voting rights of co-proprietors	<p>Co-proprietors may vote by means of a jointly appointed proxy or by appointing anyone of them or any other person.</p> <p>In the absence of a proxy, co-proprietors shall not be entitled to vote on a show of hands except where a unanimous resolution is required, provided that any one co-proprietor may demand a poll.</p>
Common seal	<p>The common seal of the management corporation shall not be used except on the authority of the management committee previously given and in the presence of at least two members of the council, who shall sign the instrument to which the seal is affixed.</p>

Strata Management (Maintenance and Management) Regulation 2015

Details	Strata Management Act 2013
Access to parcels	The person or body carry out the inspection of the effected parcel or any other parcel, common property or limited common property or in carry out the works to rectify the inter floor leakage, shall have access to the affected parcel, any other parcel, common property or limited common property on seven days' written (Regulation 63).

Strata Management (Maintenance and Management) Regulation 2015

Details	Strata Management Act 2013
Work ordered by public or local authority	Management corporation to comply with any notice or order given or made by the local authority or any competent public authority requiring the abatement of any nuisance on the common property, or ordering repairs or other work to be done in respect of the common property. (section 59)
Repair and maintenance of parcel	The management corporation to properly maintain and manage the subdivided building or land and the common property and keep it in a state of good and serviceable repair.

Strata Management (Maintenance and Management) Regulation 2015

Details	Strata Management Act 2013
Manner of using common property	The proprietor to use and enjoy the common property in such a manner so as not to interfere unreasonably with use and enjoyment thereof by other proprietors. (Paragraph 8-General duties of a proprietor)
Manner of using parcel	The proprietor not use or permit to be used his parcel in such a manner or for such a purpose as to cause nuisance or danger to any other proprietor or the families of such proprietor. The proprietor shall not use his parcel for any purposes, illegal, or otherwise, which may be injurious to the reputation of the development area.

Strata Management (Maintenance and Management) Regulation 2015

Details	Strata Management Act 2013
Notification of intended change of ownership and other dealings	The proprietor shall notify the management corporation forthwith of any change in the proprietorship of his parcel or any dealings, charges, leases or creation of any interest for entry in the strata roll.
Management of common property for common benefit	The management corporation shall control, manage and administer the common property for the benefit of all the proprietors provided that the management corporation may by written agreement with a particular proprietor grant him for a define period of time, the exclusive use and enjoyment of part of the common property or special privileges in respect of the common property or part of it, subject to appropriate terms and conditions to be stipulated by the management corporation.

Strata Management (Maintenance and Management) Regulation 2015

Details	Strata Management Act 2013
Maintenance of fixtures and fittings	Any furniture on the common property including tables, chairs, settees, benches and deck chairs are provided for the enjoyment and comfort of all proprietors and shall not be misused, tampered with, vandalised or damaged by any person and shall not be removed or altered by any proprietor without permission of the management corporation.
Lawns and gardens	A proprietor shall not damage any lawn, garden, tree, shrub, plant and flower in the common property. A proprietor shall not use any part of the common property for the purpose of his own garden except prior written approval of the management corporation.

Strata Management (Maintenance and Management) Regulation 2015

Details	Strata Management Act 2013
Maintenance of pipes, wires, etc.	All fixtures and fittings, devices, equipment and installation on the common property, including trolleys, light fittings, timers, door closers, card readers, CCTV cameras, smoke detectors, fire extinguishers, hose reels and nozzles, break glass alarms, safety railings and refuse bins, are provided safety and convenience for all proprietors and shall not be misused, tampered with, vandalised or damaged by any person.

Strata Management (Maintenance and Management) Regulation 2015

Details	Strata Management Act 2013
Production of insurance policies and receipts	On the written request of a proprietor of a parcel and on a payment of a fee which shall not exceed fifty ringgit furnish to the proprietor or to a person authorised in writing by the proprietor the copies of all insurance policies effected under the Act or effected against such other risks as directed by the proprietors by a special resolution, together with the receipts for the last premiums paid in respect of the policies. (Paragraph 3-Function of management corporation)
Provisions of amenities or services to particular parcel	The management corporation may make an agreement with particular proprietor for the provision of amenities or services by the management corporation to or in respect of his parcel. (paragraph 5)

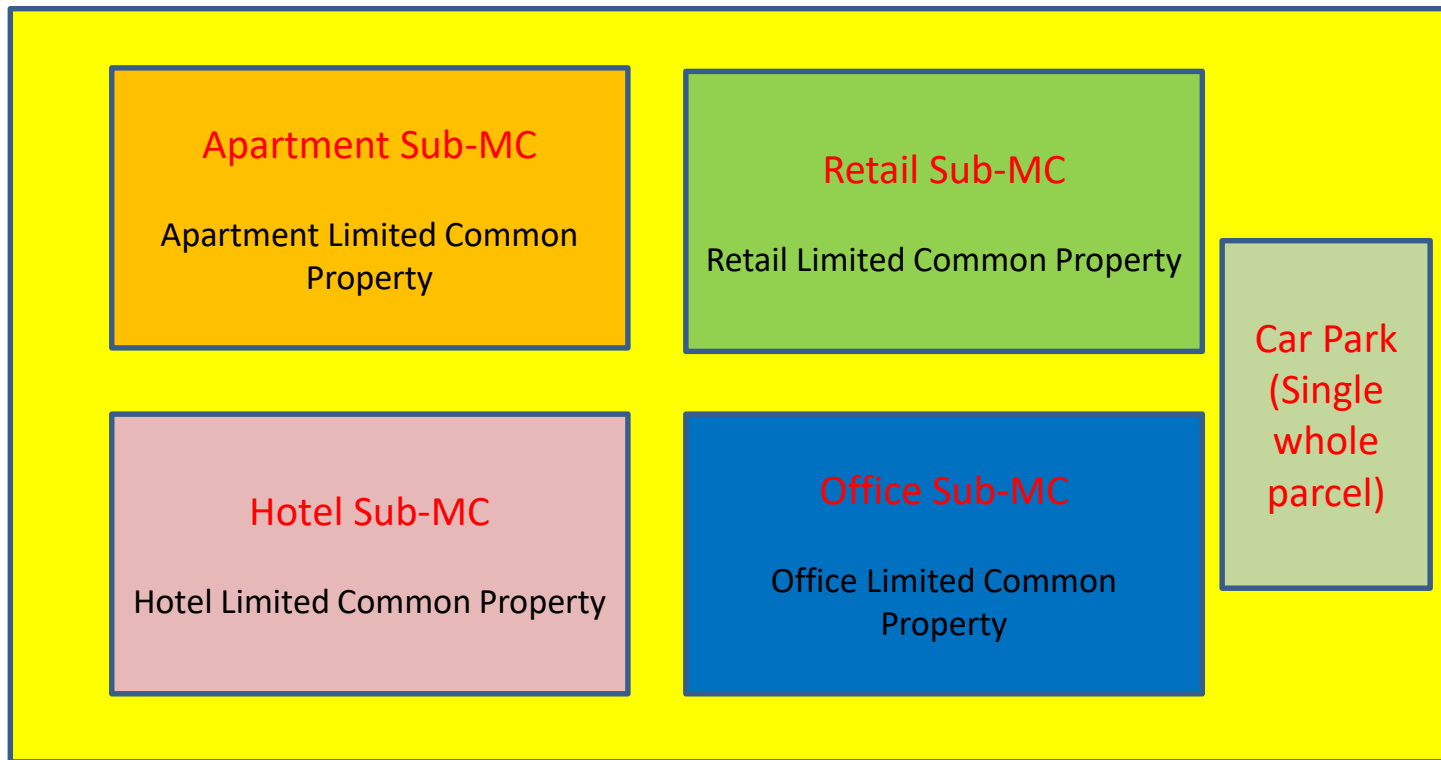
**LIMITED COMMON PROPERTY
AND SUBSIDIARY MANAGEMENT
CORPORATION**

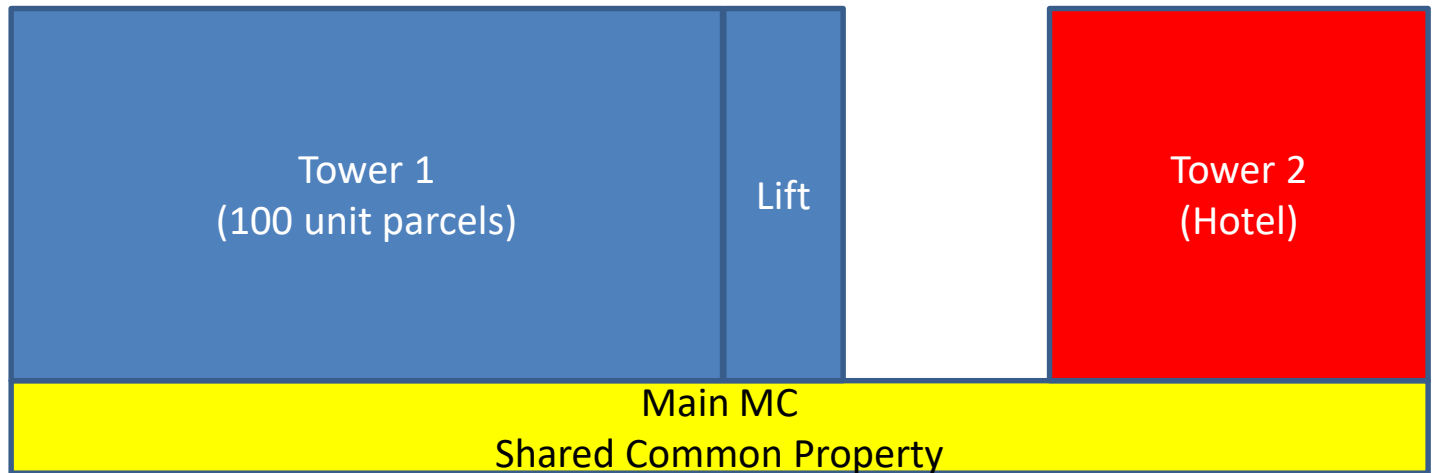
Development Suitable to Establish Sub-MC

Integrated Development (1 Mont' Kiara)



Scenario to Form Sub-MC





Without form Sub-MC for Tower 1

Rate of Charge for Tower 1 = Shared CP + CP of Tower 1

Rate of Charge for Tower 2 = Shared CP + CP of Tower 1

Sub-MC formed for Tower 1

Rate of Charge for Tower 1 = Shared CP + CP of Tower 1

Rate of Charge for Tower 2 = Shared CP only

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(1) The management corporation may designate limited common property and create one or more subsidiary management corporations only for the purpose of representing the different interests of parcel proprietors by way of comprehensive resolution conducted under the Strata Management Act 2013.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(2) Limited common property designated by a comprehensive resolution passed by the management corporation shall:

- (a) describe, identify or define the boundaries or area of the limited common property in the special plan **prepared by a land surveyor**;
- (b) specifies each parcel comprised in that special plan whose proprietors are entitled to the exclusive benefit of the limited common property; and
- (c) conform with any other details as may be **determined** by the Director of Survey.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(3) The management corporation shall make an application in Form 9 for the approval of the Director for the issue of certificate of subsidiary management corporation for the designated limited common property and shall be accompanied:

- (a) such fee as may prescribed;
- (b) a copy of the comprehensive resolution together with a certificate signed by the Commissioner certifying the receipt of the same filed with him by the management corporation; and
- (c) a special plan prepared as approved by comprehensive resolution.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(4) Upon receipt of the application, the Director shall then refer the application to the Director of Survey and the Director of Survey shall thereupon check the special plan and shall:

- (a) advise the Director as to whether the plans are in order;
and
- (b) notify the Director of the amount of fees to be collected in respect of such work been done.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(5) The Director shall thereupon if he is satisfied that the application and the other documents presented therewith are in order, accept and issue a certificate that the subsidiary management corporation is a body corporate constituted under this Act on the day specified in the certificate.

(6) The subsidiary management corporation may sue and be sued.

Subsidiary Management Corporation

The rapid strata type development, whether multi-storey building or land parcel, has led to mixed development in a single lot. This situation has created problems in terms of limits on the use of common property and the amount of contribution to MC.

This mixed development is managed by the same MC but due to the different construction structures and facilities or facilities of common property, the owner has to pay contributions for the unpleasant facilities. Since the owner will enjoy different property facilities, it is desirable that the management and maintenance of these facilities are managed by different management so that different contributions can be imposed.

Subsidiary Management Corporation

To assist in resolving the problem, the A1450 Act introduced the new section 17A to STA 1985 which provides for the provision of limited common property "LCP" which allows MC to establish a subsidiary management corporation (sub-MC).

Through such amendments, MC may assign the LCP and create one or more sub-MCs only for the purpose of representing different interests for owners.

Subsidiary Management Corporation

Comprehensive resolution means a resolution which-

- (a) Is considered at a duly convened general meeting of the management corporation of which at least thirty days' notice specifying the resolution has been given; and
- (b) At the end of the period of sixty days after the general meeting, on a poll, the total of the share units of the parcels for which valid votes are counted for the resolution is at least $\frac{2}{3}$ of the aggregate share units of the parcels of all the proprietors who constitute the management corporation at the end of such period.

Subsidiary Management Corporation

MC may apply to set up sub-MCs for the purpose of representing different interests for owners regardless of MC establishment date.

Under Act 757, sub-MCs shall consist of all owners entitled to enjoy exclusive benefits within the designated LCP area. They shall elect a subsidiary management committee responsible for performing sub-MC's responsibilities and dealing to carry out any sub-MC powers. Sub-MC may sue and be sued for it.

Subsidiary Management Corporation

Prior to the establishment of a sub-MC, LCP must be established through a comprehensive resolution by MC.

MC will apply in Form 9 for PTG approval for the issuance of sub-MC certificates for a designated LCP.

Subsidiary Management Corporation

Upon receipt the application, PTG shall refer the application to the Director of Survey. The Director of Survey shall check the special plan and shall-

- (a) advise PTG whether the plans are in order; and
- (b) notify PTG of the amount of fee to be collected in respect of the work done.

PTG if satisfied that the application and other documents submitted are in order, accept and issue a certificate to certify that the sub-MC is a body corporate established under the STA 1985 on the day specified in the certificate.

Perbadanan Pengurusan Subsidiari

Perkembangan pesat pembangunan jenis strata, sama ada bangunan bertingkat atau petak tanah, telah menyebabkan wujudnya pembangunan bercampur dalam satu lot yang sama. Keadaan ini telah menimbulkan masalah dari segi had kawasan penggunaan harta bersama dan jumlah caruman kepada MC.

Pembangunan bercampur ini diuruskan oleh satu MC yang sama namun disebabkan struktur pembinaan serta kemudahan atau fasiliti harta bersama yang berbeza, pemilik terpaksa membayar caruman bagi kemudahan yang tidak dinikmatinya. Memandangkan pemilik akan menikmati kemudahan harta bersama yang berbeza, adalah wajar sekiranya pengurusan dan penyenggaraan kemudahan tersebut diurus oleh pengurusan yang berbeza agar caruman yang berbeza dapat dikenakan.

Perbadanan Pengurusan Subsidiari

Bagi membantu menyelesaikan masalah tersebut, Akta A1450 telah memperkenalkan seksyen baru 17A kepada AHS 1985 yang menyediakan peruntukan berkenaan penetapan harta bersama terhadap (*limited common property* (LCP)) yang membolehkan sesuatu MC memohon untuk menubuhkan perbadanan pengurusan subsidiari (*subsidiary management corporation* (sub-MC)).

Melalui pindaan tersebut, MC boleh menetapkan LCP dan mewujudkan satu atau lebih sub-MC hanya bagi maksud mewakili kepentingan yang berbeza-beza bagi pemilik-pemilik.

Perbadanan Pengurusan Subsidiari

LCP ditetapkan oleh MC melalui suatu resolusi komprehensif seperti mana yang diperuntukkan di bawah Akta Pengurusan Strata 2013 [*Akta 757*]. Sempadan- sempadan atau kawasan LCP ditetapkan dalam suatu pelan khas.

Berdasarkan LCP yang telah ditentukan oleh MC, permohonan bagi penubuhan sub-MC bagi menguruskan LCP tersebut hendaklah dikemukakan kepada Pengarah Tanah dan Galian (PTG) Negeri untuk kelulusan.

Subsidiary Management Corporation

The LCP is designated by the MC through a comprehensive resolution as provided under the Strata Management Act 2013 [Act 757]. The boundaries or LCP area are set in a special plan.

Based on the LCP determined by MC, an application for sub-MC establishment to manage the LCP shall be submitted to the State Director of Lands and Mines Office (PTG) for approval.

Subsidiary Management Corporation

Each application must be accompanied by the following documents:

- (a) such fees as may be prescribed;
- (b) a copy of a comprehensive resolution together with a certificate signed by the Commissioner confirming the receipt of a copy of the comprehensive resolution filed; and
- (c) a special plan approved by the MC through a comprehensive resolution and any approved amendment.
- (d) Current quit rent receipt of the lot; and
- (e) Certificate of management corporation.

Perbadanan Pengurusan Subsidiari

ketetapan komprehensif ertinya suatu ketetapan yang—

(a) dipertimbangkan dalam suatu mesyuarat agung perbadanan pengurusan yang diadakan dengan sewajarnya yang mengenainya notis sekurang-kurangnya tiga puluh hari yang menyatakan ketetapan itu telah diberikan; dan

(b) pada akhir tempoh enam puluh hari selepas mesyuarat agung dalam perenggan (a) itu diadakan, pada suatu pengundian, jumlah unit syer bagi petak yang baginya undi yang sah dikira untuk ketetapan itu adalah sekurang-kurangnya dua pertiga daripada unit syer agregat petak-petak semua pemilik yang membentuk perbadanan pengurusan itu pada akhir tempoh itu.¹⁸⁰

Perbadanan Pengurusan Subsidiari

MC boleh memohon menubuhkan sub-MC bagi maksud mewakili kepentingan yang berbeza bagi pemilik tanpa mengambil kira tarikh penubuhan MC.

Di bawah Akta 757, sub-MC hendaklah terdiri daripada semua pemilik yang berhak menikmati manfaat eksklusif dalam kawasan LCP yang dikhaskan. Mereka hendaklah memilih suatu jawatankuasa pengurusan subsidiari yang bertanggungjawab melaksanakan kewajipan dan urusan sub-MC bagi menjalankan apa-apa kuasa sub-MC. Sub-MC boleh membawa guaman dan dibawa guaman terhadapnya.

Perbadanan Pengurusan Subsidiari

Sebelum sesuatu sub-MC ditubuhkan, LCP perlulah ditetapkan melalui suatu resolusi komprehensif oleh MC.

MC akan membuat permohonan dalam Borang 9 bagi kelulusan PTG untuk pengeluaran perakuan sub-MC bagi sesuatu LCP yang ditetapkan.

Perbadanan Pengurusan Subsidiari

Setiap permohonan hendaklah disertai dengan dokumen-dokumen berikut:

- (a) apa-apa fi sebagaimana yang ditetapkan;
- (b) satu salinan resolusi komprehensif bersama dengan perakuan yang ditandatangani oleh Pesuruhjaya yang mengesahkan penerimaan salinan resolusi komprehensif itu yang difailkan kepadanya; dan
- (c) suatu pelan khas yang diluluskan oleh MC melalui resolusi komprehensif dan apa-apa pindaan yang diluluskan.
- (d) Resit cukai tanah semasa bagi lot tersebut; dan
- (e) Perakuan perbadanan pengurusan.

Perbadanan Pengurusan Subsidiari

Setelah menerima permohonan, PTG hendaklah merujuk permohonan itu kepada Pengarah Ukur. Pengarah Ukur hendaklah menyemak pelan khas dan hendaklah—

- (a) menasihati PTG sama ada pelan-pelan itu teratur; dan
- (b) memberitahu PTG tentang amaun fi-fi yang hendak dipungut berkenaan dengan kerja-kerja yang telah dilakukan.

PTG sekiranya berpuas hati bahawa permohonan itu dan dokumen-dokumen lain yang dikemukakan adalah teratur, menerima dan mengeluarkan satu perakuan bagi memperakui bahawa sub-MC itu adalah suatu pertubuhan perbadanan yang ditubuhkan di bawah AHS 1985 pada hari yang dinyatakan dalam perakuan itu.

Subsidiary Management Corporation

“harta bersama terhad” ertinya mana-mana bahagian harta bersama dalam suatu lot—

(a) yang dikhaskan dalam suatu ketetapan komprehensif yang disebut dalam seksyen 17A Akta Hakmilik Strata 1985 untuk manfaat eksklusif pemilik dua petak atau lebih, tetapi bukan semua petak; dan

(b) yang baginya suatu perakuan telah dikeluarkan oleh Pengarah yang memperakui bahawa perbadanan pengurusan subsidiari telah ditubuhkan di bawah Akta Hakmilik Strata 1985

Limited common property means such part of the common property in a lot-

(a) That is designed in a comprehensive resolution referred to in section 17A of the Strata Titles Act 1985 for the exclusive benefit of the proprietors of two or more, but not all, parcels; and

(b) For which a certificate has been issued by the Director certifying that the subsidiary management corporation has been constituted under the Strata Titles Act 1985.

Subsidiary Management Corporation

“manfaat eksklusif”, berhubung dengan suatu harta bersama terhad, termasuklah tetapi tidak terhad kepada penggunaan atau penikmatan eksklusif, dan hak caruman dan pendapatan berkenaan dengan, harta bersama terhad itu tetapi tidak termasuk mana-mana kepentingan ketuanpunyaan;

“Exclusive benefit” in relation to a limited common property, includes but is not to be exclusive use or enjoyment of, and right to contributions and earnings in respect of, the limited common property but exclusive any proprietary interest.

Subsidiary Management Corporation

Seksyen baru 17A

Harta Bersama Terhadap Dan Perbadanan Pengurusan Subsidiari Adalah Dibenarkan

*17A. (1) Perbadanan pengurusan boleh menetapkan harta bersama terhadap dan mewujudkan satu atau lebih perbadanan pengurusan subsidiari hanya bagi maksud mewakili **kepentingan yang berbeza-beza** bagi pemilik-pemilik petak melalui suatu resolusi komprehensif yang dijalankan di bawah Akta Pengurusan Strata 2013.*

(1) The management corporation may designate limited common property and create one or more subsidiary management corporations only for the purpose of representing the **different interests** of parcel proprietors by way of comprehensive resolution conducted under the Strata Management Act 2013.

Subsidiary Management Corporation

Seksyen baru 17A

Harta Bersama Terhadap Dan Perbadanan Pengurusan Subsidiari Adalah Dibenarkan

(2) Harta bersama terhadap yang ditetapkan melalui resolusi komprehensif yang diluluskan oleh perbadanan pengurusan hendaklah —

- (a) memperihalkan, mengenal pasti atau menetapkan sempadan-sempadan atau kawasan harta bersama terhadap itu di dalam suatu pelan khas yang disediakan oleh juruukur tanah;*
- (b) menentukan setiap petak yang terkandung dalam pelan khas itu yang pemilik petak adalah berhak kepada faedah eksklusif harta bersama terhadap itu; dan*
- (c) mematuhi apa-apa butiran lain sebagaimana yang ditentukan oleh Pengarah Ukur.*

(2) Limited common property designated by a comprehensive resolution passed by the management corporation shall:

- (a) describe, identify or define the boundaries or area of the limited common property in the special plan **prepared by a land surveyor**;
- (b) specifies each parcel comprised in that special plan whose proprietors are entitled to the exclusive benefit of the limited common property; and
- (c) conform with any other details as may be **determined** by the Director of Survey.

Subsidiary Management Corporation

(3) Perbadanan pengurusan hendaklah membuat permohonan dalam Borang 9 bagi kelulusan Pengarah untuk pengeluaran perakuan perbadanan pengurusan subsidiari bagi harta bersama terhad yang ditetapkan dan hendaklah disertai —

- (a) apa-apa fi sebagaimana yang ditetapkan;*
- (b) satu salinan resolusi komprehensif bersama dengan perakuan yang ditandatangani oleh Pesuruhjaya yang mengesahkan penerimaan salinan resolusi komprehensif itu yang difailkan kepadanya oleh perbadanan pengurusan; dan*
- (c) suatu pelan khas yang disediakan di bawah subseksyen (2), sebagaimana yang diluluskan melalui resolusi komprehensif.*

(3) The management corporation shall make an application in Form 9 for the approval of the Director for the issue of certificate of subsidiary management corporation for the designated limited common property and shall be accompanied:

- (a) such fee as may prescribed;
- (b) a copy of the comprehensive resolution together with a certificate signed by the Commissioner certifying the receipt of the same filed with him by the management corporation; and
- (c) a special plan prepared as approved by comprehensive resolution.

PENUBUHAN SUB-MC **ESTABLISHMENT OF SUB-MC**

PERKARA-PERKARA YANG PERLU **DIPERTIMBANGKAN** **ITEMS TO BE CONSIDERED**

- 1) MC PERLU MENDAPATKAN KETETAPAN BIASA UNTUK MEMBELANJAKAN SEJUMLAH WANG BAGI PENETAPAN SUB-MC
- 2) SKIM STRATA HENDAKLAH 100% SIAP, SKIM YANG MASIH ADA BLOK SEMENTARA TIDAK LAYAK
- 3) $\geq 2/3$ JUMLAH KESELURUHAN UNIT SYER HAKLMILIK STRATA TELAH DIPINDAH MILIK KPD PEMILIK YANG LAYAK MENERIMA
- 4) JUMLAH PEMILIK YANG LAYAK MENGUNDI MEMEGANG $\geq 2/3$ JUMLAH KESELURUHAN UNIT SYER
- 5) SETIAP SUB-MC MEMILIKI 2 ATAU LEBIH PEMILIK PETAK
- 6) PELAN KHAS DISEDIAKAN SEBELUM PENGUNDIAN

- 1) MC to get a sum of money to form Sub-MC
- 2) Scheme strata to be 100% completed, scheme with provisional block not allow to form Sub-MC.
- 3) $\geq 2/3$ of total share units strata titles transferred to proprietors
- 4) Total proprietors eligible to vote hold $\geq 2/3$ of the total share units.
- 5) Each Sub-MC contains 2 or more parcel owner.
- 6) Special plan prepared before voting.

S.60(3)(b) *mendapatkan jumlah yang ditentukan dengan mengenakan Caj pada pemilik mengikut kadar unit syer atau unit syer sementara petak atau blok sementara mereka masing-masing, dan perbadanan pengurusan boleh menentukan kadar Caj yang berlainan yang hendaklah dibayar berkenaan dengan petak yang digunakan bagi maksud yang berbeza dengan ketara dan berkenaan dengan blok sementara itu;*

Raise the amounts so determined by imposing charges on the proprietors in proportion to the share units or provisional share units of their respective parcels or provisional blocks, and the management corporation may determine **different rates of charges to be paid in respect of parcels which are used for significantly different purposes and in respect of the provisional blocks;**

PROSES PERMOHONAN

APPLICATION PROCESS

1
PEMOHON

- MC MENDAPATKAN KETETAPAN BIASA BAGI MELANTIK JTBS MENYEDIAKAN PELAN KHAS DENGAN BAYARAN YANG DILULUSKAN
- NOTIS 30 HARI KEPADA SETIAP PEMILIK PETAK
- LCP DITETAPKAN MELALUI RESOLUSI KOMPREHENSIF OLEH MC
- PEMFAILAN RESOLUSI KOMPREHENSIF KEPADA COB DALAM TEMPOH 28 HARI

- MC obtain agreement to appoint LLS to prepare Special Plan with fee approved.
- Give 30 days notice to all parcel owners.
- LCP to be set through comprehensive resolution by MC.
- To file the comprehensive resolution to COB within 28 days.

PROSES PERMOHONAN

APPLICATION PROCESS

2

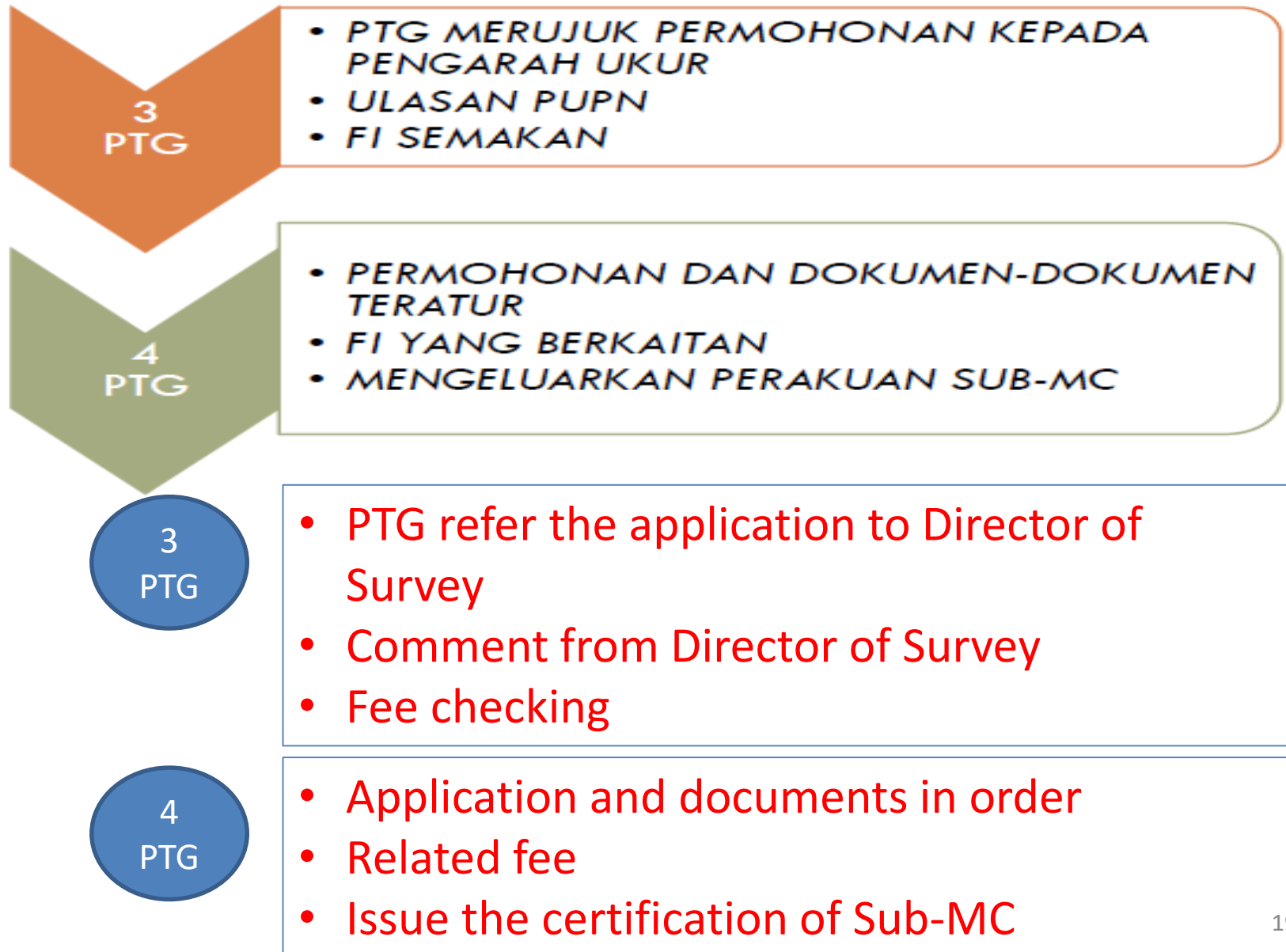
PEMOHON

- PERMOHONAN KEPADA PTG DALAM BORANG 9
- FI
- SALINAN RESOLUSI KOMPREHENSIF
- PELAN KHAS
- RESIT CUKAI TANAH SEMASA
- PERAKUAN MC

- Application to PTG with Form 9
- Fee
- Copy of comprehensive resolution
- Special Plan
- Current quit rent
- Certification from MC

PROSES PERMOHONAN

APPLICATION PROCESS





**PERAKUAN PERBADANAN PENGURUSAN/
PERBADANAN PENGURUSAN SUBSIDIARI**

**SEKSYEN 17/17A
AKTA HAKMILIK STRATA 1985**

ADALAH diperakui bahawa:

PERBADANAN PENGURUSAN

merupakan suatu pertubuhan perbadanan yang ditubuhkan di bawah seksyen 17 Akta Hakmilik Strata 1985 pada hari yang dinyatakan dalam perakuan ini.

Bertarikh pada

DAN BAHAWA

PERBADANAN PENGURUSAN SUBSIDIARI

merupakan suatu pertubuhan perbadanan yang ditubuhkan di bawah seksyen 17A Akta Hakmilik Strata 1985 pada hari yang dinyatakan dalam Perakuan ini.

Bertarikh pada



(tandatangan)
Pengarah Tanah dan Galian
Negeri
Tarikh:

Daerah: *Bandar/Pekan/Mukim:

No. Lot: Perihal dan No Hakmilik:

No. Rujukan PTG: **No. Pelan Khas:
**Tarikh Perakuan Pengarah Ukur Negeri:

Application For Establishment Of Sub-MC

MC is required to make application in accordance with section 17A STA 1985 using Form 9 after obtaining a comprehensive resolution for the approval of the Director of Lands and Mines Office (PTG) for the issuance of sub-MC certificates requested.

Prior to submitting PK(HBT) with application to PTG, it is the responsibility of LLS to be appointed to ensure that no HBT boundary amendment after the comprehensive resolution is obtained. A new comprehensive resolution should be obtained if the LCP boundary is modified after a comprehensive resolution is obtained.

Application For Establishment Of Sub-MC

ACTION AFTER DIRECTOR OF SURVEY RECEIVING LCP FAIL NUMBER APPLICATION, LCP FIELD BOOK NUMBER AND LCP PLAN NUMBER FROM LLS

Upon receipt of the application from LLS, the Director of Survey shall:

- Prepare a sub-file from the existing file number of the strata application. For example, if the previous subdivision of building file was PUBLJB1_2010, the sub-file number for PK(HBT) application was PUBLJB1_2010(HBT);

Application For Establishment Of Sub-MC

- Register the number of the field book and the PK(HBT) number and supplied to the LLS. For example, if the existing field book number is BK 1010, the sub-field book number for PK(HBT) is BK 1010(HBT);
- Updates LCP special plan registration book containing information of file number, PK(HBT), field book number, scheme number and scheme name, LLS name and application status.

Application For Establishment Of Sub-MC

APPLICATION PROCEDURE

When submitting an application to PTG, LLS is required to submit the following documents:

- Form 9;
- Fees;
- Current quit rent receipt;
- A copy of a comprehensive resolution together with a certificate signed by the Commissioner of Building;
- Field book;
- Four (4) sets of PK(HBT) on laminated paper; and
- One (1) set of PK(HBT) on a polyster paper to be deposited to JUPEM State if the checking is in order.

Application For Establishment Of Sub-MC

ACTION TAKEN BY DIRECTOR OF SURVEY AFTER RECEIVED PK(HBT) FROM THE STATE DIRECTOR OF LANDS AND MINES OFFICE

- Upon receipt of PK(HBT) from PTG, the Director of Survey shall check the PK(HBT) and carry out any checking work in accordance with the checklist.
- The checking fee is based on the rate of job checking at the office and the field work done by the JUPEM.

Application For Establishment Of Sub-MC

APPLICATION CHECKING PROCESS FOR PL(HBT)

The checking process is based on the following principles:

- All survey work done complies with the requirements of STA 1985 and JUPEM regulations;
- The PK(HBT) submitted shall be based on the measurements done in the field;
- The work carried out was fully checked by the LLS before being sent to the State JUPEM for the checking of the Director of Survey; and
- Any mistake of the work submitted to be the responsibility of LLS.

Application For Establishment Of Sub-MC

Application Document Checking

- Checking on copy of documents should be made to ensure that some of the important conditions are met before field checking are carried out. Document checking should be reviewed within **7 days** from the date of receipt of the document.
- In case of mistake in the presentation of the plan, the application documents will be returned to LLS and shall be corrected and remedied within **14 days** from the date of the inquiry. Failure to return a query within a prescribed period may result the checking as not in order.

Application For Establishment Of Sub-MC

Field Checking

- Field Checking should be checked within **21 days** from the date of receipt of the document.
- For LCP located on the ground level, it shall be ascertained that there is a boundary mark of the pipe or spike, walled structure, fence, building and any other mark as it may deem reasonable to separate or show the separate LCP area.

Application For Establishment Of Sub-MC

For LCP area located above or inside the building, there shall be boundary marks such as nails, spike, metal stripes, walled structure, fence, building, cement/floor surface of different types or marble or any other marks deemed fit to separate or show the separate LCP area.

Application For Establishment Of Sub-MC

PK(HBT) Application Comment

- The Director of Survey shall notify PTG, applicant, LLS and the Land Surveyors Board of Malaysia whether the application is in order or not. For an in order application, a **TERATUR** (in order) comment letter will be issued to the applicant within **30 days** from the date of receipt of the complete application.
- For an in order application, three (3) copies of the certified PK(HBT) will be sent to PTG.

Application For Establishment Of Sub-MC

- In the case of a **TIDAK TERATUR (not in order)** application shall be notified to PTG, applicant, LLS and the Land Surveyors Board of Malaysia.
- In the event the applicant wishes to amend the PK(HBT) after the certificate has been issued, the applicant must re-acquire a comprehensive resolution in accordance with the provisions of the STA 1985 and submit to PTG for the amendment of the relevant PK(HBT). The application must be re-submitted and considered as a new application.

Application For Establishment Of Sub-MC

Checking Period

- The PK(HBT) application checking period shall be completed within **30 days** from the date of receipt of complete application documents.

Comment Submission Method

- Three (3) copies of PK(HBT) and a official comment letter from the Director of Survey shall be submitted to the PTG by registered post or by hand.

LCP Special Plan Field Book

- Updates the information in the PK(HBT) list.

Prescribed Fees

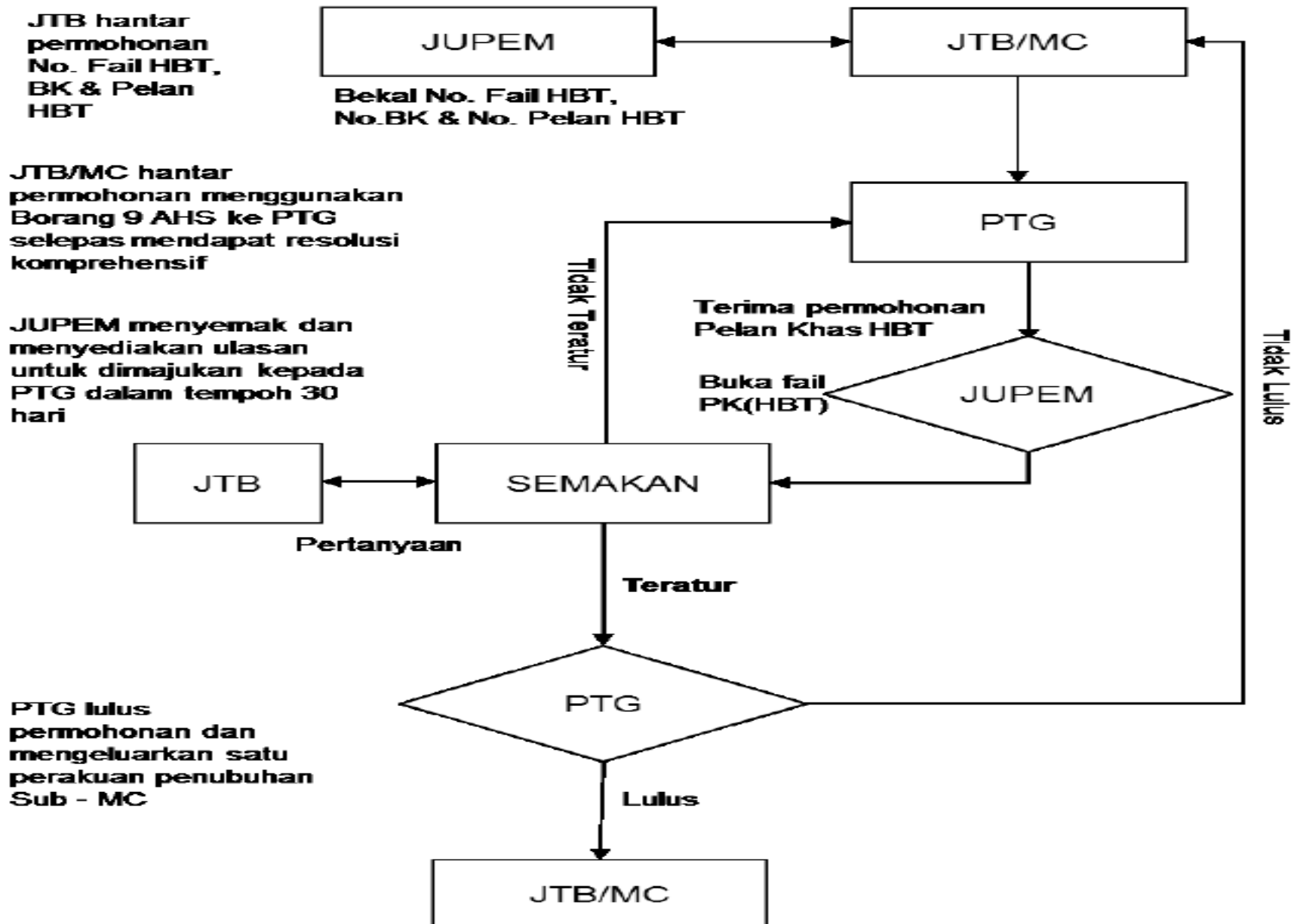
No.	Subject Matter	Form	Amount of Fee (RM)
1	Filing schedule of parcels	1	100-00
2	Filing revised schedule of parcels	1A	500-00
3	Filing amended schedule of parcels	2	100-00
4	Filing revised amended schedule of parcels	2A	500-00
5	Filing allocated share units	3	100-00
6	Filing management agreement		20-00
7	Filing of bond	12 or 24	20-00
8	Filing sworn application for warrant of attachment	21	100-00
9	Filing notice of intention by developer to deliver vacant possession	25	100-00
10	Filing claim against Common Property Defects Account	27	50-00

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

MC dikehendaki membuat permohonan mengikut peruntukan di bawah seksyen 17A AHS 1985 menggunakan Borang 9 selepas mendapat resolusi komprehensif bagi kelulusan Pengarah Tanah dan Galian (PTG) untuk pengeluaran perakuan sub-MC yang dipohon.

Sebelum mengemukakan PK(HBT) bersama permohonan kepada PTG, adalah menjadi tanggungjawab JTB yang dilantik bagi memastikan tidak berlaku sebarang pindaan sempadan HBT selepas resolusi komprehensif diperolehi. Satu resolusi komprehensif yang baru perlu diperolehi jika sempadan HBT dipinda selepas resolusi komprehensif diperolehi.

FLOWCHART OF ESTABLISHMENT OF SUB-MC APPLICATION



Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

**TINDAKAN PENGARAH UKUR SELEPAS MENERIMA
PERMOHONAN NOMBOR FAIL HBT, NOMBOR BUKU
KERJALUAR HBT DAN NOMBOR PELAN HBT DARIPADA JTB**

Sebaik sahaja menerima permohonan daripada JTB, Pengarah Ukur hendaklah:

- Menyebabkan satu sub-fail daripada nombor fail asal permohonan strata dibuka. Sebagai contoh, sekiranya Fail Permohonan Pecah Bahagi Bangunan sebelum ini adalah PUBLJB1_2010, nombor sub-fail bagi permohonan PK(HBT) adalah PUBLJB1_2010(HBT);

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

- Menyebabkan nombor buku kerjalar dan nombor PK(HBT) didaftar dan dibekalkan kepada JTB berkenaan. Sebagai contoh, sekiranya nombor buku kerjalar sebelum ini adalah BK 1010, nombor sub-buku kerjalar bagi permohonan PK(HBT) adalah BK 1010(HBT);
- Mengemaskini buku daftar pelan khas HBT yang mengandungi maklumat-maklumat nombor fail, nombor PK(HBT), nombor buku kerjalar, nombor skim dan nama skim, nama JTB dan status permohonan.

BUKU DAFTAR PK(HBT)

BIL	NO. FAIL	NO. PK(HBT)	NO. BUKU KERJA LUAR	NO. SKIM & NAMA SKIM	NAMA JTB	STATUS
1.	PUBLJB1_2010(HBT)	PK(HBT) 1-1 hingga PK(HBT) 1-60	1010(HBT)-1 hingga 1010(HBT)-39	2020 D'BIZ SQUARE	Sr Sharil bin Rahman	TERATUR
2.	PUBLJB15_2013(HBT)	PK(HBT) 2-1 hingga PK(HBT) 2-101	1016(HBT)-1 hingga 1016(HBT)-20	2021 AUSTIN 18	Sr Yip Keong Meng	TERATUR
3.	PUBLJB33_2016(HBT)	PK(HBT) 3-1 hingga PK(HBT) 3-66	1026(HBT)-1 hingga 1026(HBT)-98	2022 KOMTAR JBCC	Sr Maniam A/L Muniandy	DALAM SEMAKAN

Nota:

- Nombor buku kerjalar asal yang digunakan semasa permohonan pecah bahagi bangunan atau petak tanah terdahulu digunakan dengan ditambah (HBT) dan diikuti dengan nombor folio buku kerja luar bermula dari angka satu (1) dan seterusnya.
- Nombor Skim adalah nombor dari permohonan pecah bahagi bangunan atau petak tanah terdahulu.

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

PROSEDUR PERMOHONAN

Semasa mengemukakan permohonan kepada PTG, JTB dikehendaki mengemukakan dokumen-dokumen berikut:

- Borang 9;
- Fi yang ditetapkan;
- Resit cukai tanah semasa;
- Satu salinan resolusi komprehensif bersama dengan perakuan yang ditandatangani oleh Pesuruhjaya Bangunan;
- Buku kerjalar;
- Empat (4) set PK(HBT) di atas kertas plotan berlamina; dan
- Satu (1) set PK(HBT) di atas kertas *polyster* untuk didepositkan di bilik kebal JUPEM Negeri sekiranya ulasan teratur.

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

TINDAKAN PENGARAH UKUR SELEPAS MENERIMA PK(HBT) DARIPADA PENGARAH TANAH DAN GALIAN NEGERI

- Sebaik sahaja menerima PK(HBT) daripada PTG, Pengarah Ukur hendaklah menyebabkan PK(HBT) disemak serta menjalankan apa-apa kerja semakan berpandukan senarai semak.
- Bayaran semakan adalah berdasarkan kepada kadar semakan kerja di pejabat dan kerjaluar yang dikeluarkan oleh pihak JUPEM.

SENARAI SEMAK PERMOHONAN PK (HBT)

NO. FAIL UKUR: _____

NAMA JURUUKUR TANAH BERLESEN : _____

I	SEMAKAN DOKUMEN	ADA/ TIADA (✓/ X)	TERATUR/ TIDAK (✓/ X)	CATATAN
1.	Surat Permohonan daripada pihak PTG Negeri	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	Surat lantikan Jurukur Tanah Berlesen	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	Satu (1) salinan Borang 9 yang diperakui sah oleh PTG Negeri	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	Satu (1) salinan resolusi komprehensif	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	Satu (1) salinan sijil perbadanan pengurusan	<input type="checkbox"/>	<input type="checkbox"/>	_____
6.	Buku kerjalar Buku Kerjalar atau data kerjalar berdigit	<input type="checkbox"/>	<input type="checkbox"/>	_____
7.	Empat (4) set PK(HBT) bagi tujuan dihantar ke PTG Negeri	<input type="checkbox"/>	<input type="checkbox"/>	_____
8.	Satu (1) PK(HBT) di atas kertas polyster: untuk didepositkan di bilik kebal simpanan JUPEM Negeri sekiranya ulasan teratur	<input type="checkbox"/>	<input type="checkbox"/>	_____
Maklumat di atas PK(HBT)				
1.	Skala ditunjukkan	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	Harta bersama umum dilorekkan kuning, harta bersama terhad dilorekkan dengan warna berlainan	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	Maklumat kegunaan harta bersama ditunjukkan	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	Nombor petak/petak tanah dan petak aksesori ditunjukkan	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	Semua tajuk dan arah utara ditunjukkan	<input type="checkbox"/>	<input type="checkbox"/>	_____

II	SEMAKAN DI LAPANGAN	ADA/ TIADA (✓/X)	TERATUR/ TIDAK (✓/X)	CATATAN
1.	Tanda sempadan bagi HBT (termasuklah sebarang binaan kekal) ditunjukkan— i. atas bangunan – pepaku/paku ii. atas tanah – paip besi/pepaku	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	Jalan masuk ke HBT tidak melintasi HBT lain sebaliknya melalui harta bersama umum	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	Harta bersama dan HBT yang ditunjukkan adalah serupa kedudukan seperti di dalam pelan khas	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	Gambar semakan HBT terutamanya bagi kawasan HBT yang bermasalah	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	Data semakan kawasan bangunan yang bermasalah direkodkan	<input type="checkbox"/>	<input type="checkbox"/>	_____
6.	Sediakan laporan ketidakpatuhan	<input type="checkbox"/>	<input type="checkbox"/>	_____

Tandatangan Pegawai: _____

Nama: ()

Tarikh:

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

PROSES SEMAKAN PERMOHONAN PK(HBT)

Proses semakan dibuat berdasarkan kepada prinsip-prinsip berikut:

- Semua kerja ukur yang telah dilaksanakan mematuhi kehendak AHS 1985 dan peraturan-peraturan JUPEM;
- PK(HBT) yang dikemukakan hendaklah berdasarkan maklumat ukuran yang telah dibuat di lapangan;
- Kerja yang dijalankan telah disemak sepenuhnya oleh JTB berkenaan sebelum dihantar ke JUPEM Negeri untuk ulasan Pengarah Ukur; dan
- Salah betul kerja yang dikemukakan adalah menjadi tanggungjawab JTB berkenaan.

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

Semakan Dokumen Permohonan

- Semakan ke atas salinan dokumen hendaklah dibuat bagi memastikan beberapa syarat utama dipatuhi sebelum semakan lapangan dijalankan. Semakan Dokumen hendaklah disemak dalam tempoh **7 hari** daripada tarikh penerimaan dokumen.
- Sekiranya terdapat kesilapan dari segi persembahan pelan, dokumen permohonan akan dikembalikan kepada JTB dan hendaklah diambil tindakan pembetulan serta dikemukakan semula dalam tempoh **14 hari** dari tarikh pertanyaan. Kegagalan mengembalikan pertanyaan dalam tempoh yang ditetapkan boleh menyebabkan ulasan tidak teratur dikeluarkan.

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

Semakan di Lapangan

- Semakan Lapangan hendaklah disemak dalam tempoh **21 hari** daripada tarikh penerimaan dokumen.
- Bagi HBT yang terletak di atas permukaan tanah hendaklah dipastikan terdapat tanda sempadan paip atau pepaku, binaan berdinding, pagar, bangunan dan sebarang tanda lain yang difikirkan munasabah bagi memisahkan atau menunjukkan kawasan HBT yang berasingan tersebut.

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

Bagi kawasan HBT yang terletak di atas atau di dalam bangunan, hendaklah dipastikan terdapat tandaan sempadan seperti paku, pepaku, *metal strip*, binaan berdinding, pagar, bangunan, permukaan simen/lantai yang berlainan jenis atau marmar atau sebarang tanda lain yang difikirkan munasabah bagi memisahkan atau menunjukkan kawasan HBT yang berasingan tersebut.

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

Ulasan Permohonan PK(HBT)

- Pengarah Ukur hendaklah memaklumkan kepada PTG, pemohon, JTB dan Lembaga Juruukur Tanah Malaysia sama ada permohonan tersebut teratur atau tidak. Bagi permohonan yang teratur, satu surat ulasan **TERATUR** akan dikeluarkan kepada pemohon dalam tempoh **30 hari** dari tarikh terima permohonan yang lengkap.
- Bagi permohonan yang teratur, tiga (3) salinan PK(HBT) yang telah disahkan teratur akan dihantar kepada PTG.

Rujukan Tuan :

Rujukan Kami :

Tarikh :

Pengarah Tanah dan Galian

Tuan,

Permohonan Pelan Khas Untuk Harta Bersama Terhadap Bagi Skim.....

Geran, Lot, Mukim, Daerah, Negeri.....

Dengan hormatnya merujuk kepada perkara di atas.

2. Jabatan ini telah menyemak permohonan tersebut seperti yang dikehendaki di bawah seksyen 17A, Akta Hakmilik Strata 1985 dan setakat yang telah diperiksa adalah didapati **TERATUR**. Jumlah fi yang perlu dikutip adalah RM.....

3. Bersama ini disertakan tiga (3) salinan cadangan Pelan Khas Harta Bersama Terhadap [PK(HBT)] yang telah diperakui teratur.

Sekian, terima kasih.

**'BERKHIDMAT UNTUK NEGARA'
'NEGARAKU, ALAM SEKITARKU'**

Saya yang menurut perintah,

(Nama Pengarah Ukur)

Pengarah Ukur dan Pemetaan

s.k.:

1. Pemohon
2. Juruukur Tanah Berlesen
3. Ketua Pengarah Ukur dan Pemetaan
(u.p: Pengarah Ukur Bahagian Kadaster)
4. Lembaga Juruukur Tanah Malaysia

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

- Bagi kes permohonan yang TIDAK TERATUR hendaklah dimaklumkan kepada PTG, pemohon, JTB dan Lembaga Juruukur Tanah Malaysia.
- Sekiranya pemohon ingin meminda PK(HBT) selepas perakuan dikeluarkan, pemohon perlu mendapatkan semula resolusi komprehensif mengikut peruntukan di bawah APS 1985 dan mengajukan kepada pihak PTG untuk melaksanakan pindaan ke atas PK(HBT) berkenaan. Permohonan semula perlu dikemukakan dan dianggap sebagai permohonan baru.

Rujukan Tuan :

Rujukan Kami :

Tarikh :

Pengarah Tanah dan Galian,

Tuan,

Permohonan Pelan Khas Untuk Harta Bersama Terhadap Bagi Skim,

Geran, Lot, Mukim, Daerah, Negeri.....

Dengan hormatnya merujuk kepada perkara di atas.

2. Jabatan ini telah menyemak permohonan tersebut seperti yang dikehendaki di bawah seksyen 17A, Akta Hakmilik Strata 1985 dan setakat yang telah diperiksa adalah didapati **TIDAK TERATUR**.

3. Berikut adalah butiran ketidakpatuhan permohonan tersebut:

3.1

3.2

Sekian, terima kasih.

**‘BERKHIDMAT UNTUK NEGARA’
‘NEGARAKU, ALAM SEKITARKU’**

Saya yang menurut perintah,

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4. Lembaga Juruukur Tanah Malaysia

Permohonan Penubuhan Perbadanan Pengurusan Subsidiari

Tempoh Semakan

- Tempoh semakan permohonan PK(HBT) hendaklah disiapkan dalam tempoh **30 hari** dari tarikh terima dokumen permohonan yang lengkap.

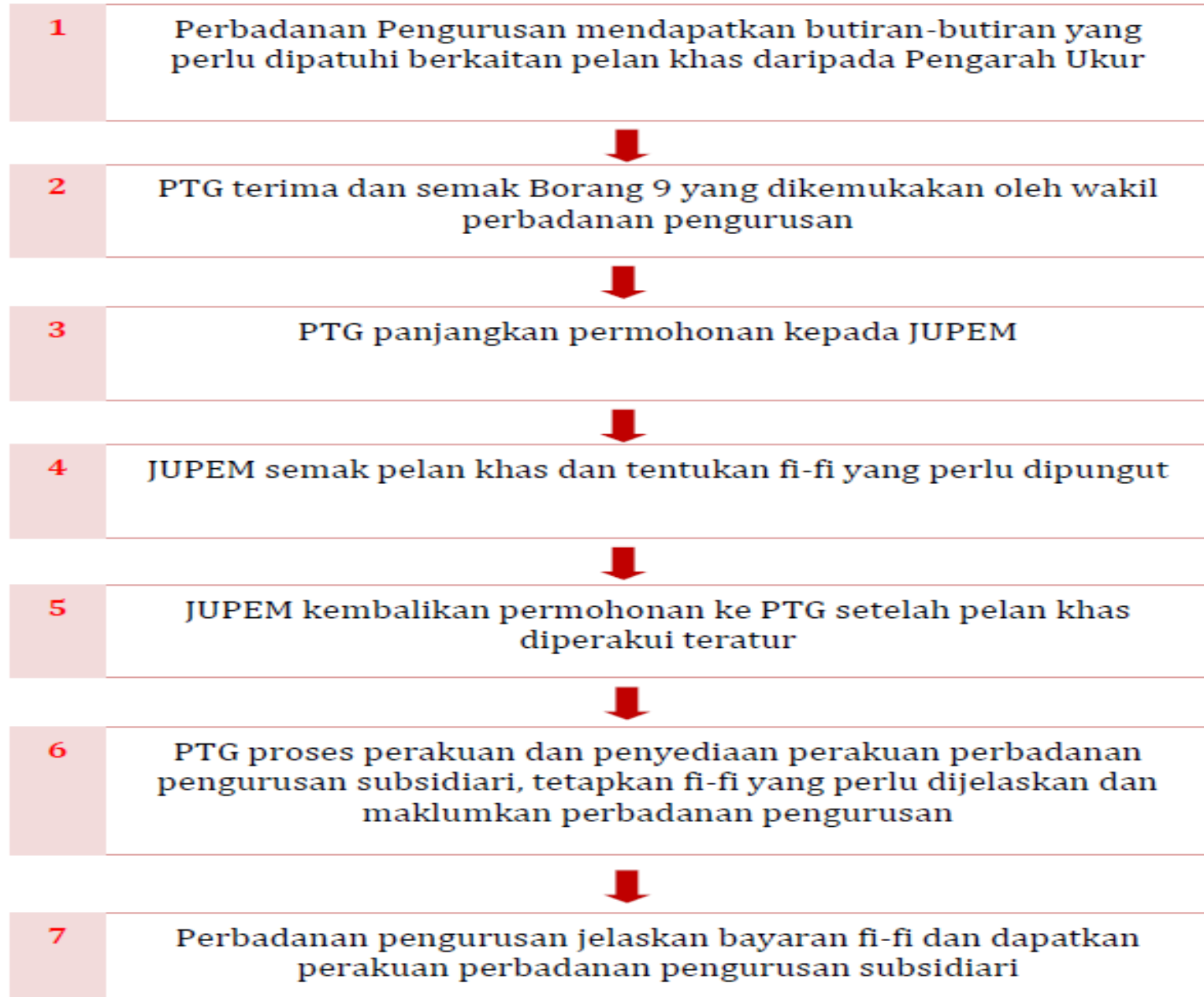
Kaedah Penyerahan Ulasan

- Tiga (3) salinan PK(HBT) dan surat rasmi ulasan daripada Pengarah Ukur hendaklah diserahkan kepada PTG secara pos berdaftar atau serahan tangan.

Buku Daftar Pelan Khas HBT

- Mengemaskinikan maklumat-maklumat yang berkenaan di dalam buku daftar PK(HBT).

ALIRAN PROSES PERMOHONAN PENUBUHAN PERBADANAN PENGURUSAN SUBSIDIARI



THANK YOU