



Singapore
Institute of Legal Education

Part A Bar Examinations 2016

Land Law

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SINGAPORE INSTITUTE OF LEGAL EDUCATION

Part A Bar Examinations 2015

Land Law

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COURSE DESCRIPTION

This course aims to introduce you to the theory and practice of Singapore land law. As graduate law students, you are assumed to have the pre-requisite knowledge of the principles of property and land law which you will have gleaned from your undergraduate studies. Instead of repeating these general principles, this course focuses on the unique features of Singapore land law i.e. the local statutes and case law. The study of the concepts and operation of the Land Titles Act is at the heart of this course. This course will link the legal concepts covered with modern commercial real estate practice. Selected legal issues surrounding high rise property involving the Housing and Development Act and the Land Titles Strata Act will also be examined.

READING LISTS

The Reading Lists will give an indication of the areas that will be examined. However, please note that they are not meant to be comprehensive in terms of cases and statutory provisions. This course covers general principles. It is neither possible nor desirable to cover every conceivable aspect of the Singapore Land Law. Having said this, however, candidates are encouraged to read beyond the Reading Lists and use that extra knowledge in answering the examination question.

VIDEO LECTURES

In some places the Reading Lists are supplemented by recorded lectures. These are not lectures as the term is commonly understood in university. Rather, they are tools to aid in comprehension of particular points of law or practice. Do not expect them to form a comprehensive course. The lectures are meant to be used in conjunction with the reading lists and the textbooks. They are deliberately kept relatively short so as to be more easily digestible. Watch them when you get to the topic rather than in one sitting.

MODE OF ASSESSMENT

There will be a written examination sometime in October. The examination will consist of two or three questions, but there will be no choice. The examination will be conducted in an open-book format. You are not allowed to consult with others during the examination.

Candidates may bring into the examination hall any written or printed materials that they desire. Laptops will be allowed in accordance with the rules governing the examinations. However, candidates are not permitted to communicate with one another or with outsiders.

To do so is cheating. Anyone caught cheating (and those who assist them) can expect to be dealt with severely. Dishonesty is a fatal defect in a lawyer.

The examination will be marked on a distinction/pass/fail basis. Candidates are required to show that they can explain key concepts and render legal advice in a coherent manner when faced with a legal problem. The fact that candidates have only two hours to do so will be factored into the marking. The idea is to put the candidate in the shoes of a legal assistant who is called to do a first cut of advice for the senior partner of the firm. It is unnecessary to resolve every single issue; indeed, it may not be possible to do so in two hours. It is sufficient to highlight the issues, resolve those that can be resolved and give an indication how to proceed further.

RECOMMENDED TEXT AND READINGS

Local Textbooks:

Tan Sook Yee, Tang Hang Wu and Kelvin FK Low
Tan Sook Yee's Principles of Singapore Land Law, 3rd ed., LexisNexis, 2009

WJM Ricquier
Land Law, 4th ed., LexisNexis, 2010

LIST OF TOPICS

- 1 Introduction to Singapore Land Law and the Land Titles Act – Torrens philosophy, indefeasibility and caveats
- 2 Contract for Sale of Land
- 3 Co-ownership
- 4 Leases & Licences
- 5 Mortgages
- 6 Strata Titles – Selected Issues
- 7 Housing and Development Board Flats – Selected Issues

TOPIC 1: INTRODUCTION TO SINGAPORE LAND LAW AND THE LAND TITLES ACT – TORRENS PHILOSOPHY, INDEFEASIBILITY AND CAVEATS

I. Introduction to Singapore Land Law

- Tang 'The Legal Representation of the Singaporean Home and the Influence of the Common Law' (2007) 37 HKLJ 81
- *Xpress Print Pte Ltd v Monocrafts Pte Ltd* [2000] 3 SLR 545
- See section 5 of Land Acquisition Act (Cap 152)

'We find that all the written Constitutions we have looked at specifically provide, as a fundamental human right, the right of every person not to be deprived of his property save in accordance with law and the right to compensation whenever his property is compulsorily acquired ... We are convinced that it is necessary, sound and wise and in the best interests of the people of Singapore, with the multiracial composition of its population, that its Constitution should recognise and proclaim this fundamental right. We do not propose, however, to recommend the reintroduction of Article 13 of the Constitution of Malaysia in its present form. We recognise the fact that as the population increases over the years more and more land will be required for public purposes if the needs of the general public are to be adequately served. We recognise also that, Singapore being only a small island of 225 square miles, as Singapore becomes more and more developed and more and better public amenities are provided out of public funds, land will, largely by reason of such public expenditure, increasingly become a more and more valuable commodity in the future. We therefore consider it is imperative that a just and fair balance must be struck between the public interest on the one hand and private ownership on the other, and we think that this result will best be achieved if we recommend as we now do that there should be an Article in the Constitution providing as follows –

"14(1) No person shall be deprived of property save in accordance with law.
(2) No law shall provide for the compulsory acquisition or use of property except for a public purpose or a purpose useful or beneficial to the public and except upon just terms."

Report of the Constitutional Commission (1966), paras 41-42

'[W]hilst we were in Malaysia, we desired to delete Article 13 as far as Singapore was concerned. We were not thinking of acquiring land without paying compensation. We wanted to acquire land for a public purpose with compensation, but not necessarily adequate ... [I]f we were to accept the Commission's recommendations, there would be a flood of litigation in Singapore and our Courts would have to construe the meaning of "upon just terms". Acceptance of the Constitutional Commission's recommendation would mean that Government would have to pay the full market

value in all cases of acquisition of land for public purposes. This would make land acquisition, which is necessary to implement the Government's economic and social programmes, exorbitant ... A constitutional provision requiring the payment of just terms would mean that our intentions in the Land Acquisition Act would be stifled by landowners being able to raise constitutional issues when disputes over the quantum of compensation arise.'

Mr E W Barker (Minister for Law and National Development), Hansard (17 March 1967), Vol 25, Cols 1424-1425

- History, Tan Sook Yee, Chap 3, 39-52
- Tenures, Estates and State Land Act
- State Lands Amendment Bill 2015 – Subterranean space- See speech by Senior Minister of State Indranee Rajah:
<https://www.mlaw.gov.sg/content/minlaw/en/news/parliamentary-speeches-and-responses/2R-state-lands-amendment-bill-2015.html>

II. Torrens Registration

1. Introduction to Torrens Registration

- Tan Sook Yee, pp 263-265
- Section 45, Land Titles Act
- (i) The Mirror Principle
 - *United Overseas Bank Ltd v Bebe bte Mohammad* [2006] 4 SLR(R) 884, [78]
- (ii) The Curtain Principle
- (iii) The Insurance Principle

2. Indefeasibility

- (i) Deferred vs Immediate Indefeasibility
 - Section 46(1), Land Titles Act
 - *Frazer v Walker* [1967] 1 AC 569
 - *United Overseas Bank Ltd v Bebe bte Mohammad* [2006] 4 SLR(R) 884

- Cf. *Tan Ying Hong v Tan Sian San* [2010] 2 MLJ 1
 - *Fragrance Realty Pte Ltd v Rangoon Investment Pte Ltd and others* [2013] 2 SLR 1007
 - Tang and Loh, "A Law Which Favours Forgers'?: Land Fraud in Two Torrens Jurisdictions' (2011) 19 Australian Property Law Journal 130
- (ii) Burden of Proof
- *Tay Jui Chuan v Koh Joo Ann (alias Koh Choon Teck)* [2010] 4 SLR 1069
 - *Loo Chay Sit v Estate of Loo Chay Loo, deceased* [2010] 1 SLR 286
3. Exceptions to Indefeasibility
- (i) Volunteer
- Section 46(3), Land Titles Act
 - *Mahidon Nichiar bte Mohd Ali and others v Dawood Sultan Kamaldin* [2015] 5 SLR 62 at [130] – [135]
- (ii) Fraud or Forgery
- Sections 46(2)(a), 47, 154(1)(d), 160(1)(b), Land Titles Act
- (a) The Meaning of 'Fraud'
- *Ho Kon Kim v Lim Gek Kim Betsy* [2001] 3 SLR(R) 220
 - *United Overseas Bank Ltd v Bebe bte Mohammad* [2006] 4 SLR(R) 884
- (b) Whose Fraud?
- *United Overseas Finance Ltd v Yew Siew Kien* [1993] 2 SLR(R) 236
 - *United Overseas Finance Ltd v Victor Sakayamary* [1996] 2 SLR(R) 20
- (iii) Personal Equities or the In *Personam* Exception
- *Frazer v Walker* [1967] 1 AC 569
 - *Oh Hiam v Tham Kong* [1980] 2 MLJ 159
 - *Mercantile Mutual Life Insurance Co Ltd v Gosper* (1991) 25 NSWLR 32

- *Ho Kon Kim v Lim Gek Kim Betsy* [2001] 3 SLR(R) 253 noted Crown [2002] Sing JLS 409
- *United Overseas Bank Ltd v Bebe bte Mohammad* [2006] 4 SLR(R) 884
- *Malayan Banking Berhad v Sivakolunthu Thirunavukarasu* [2008] 1 SLR(R) 149

- Tang, 'Beyond the Torrens Mirror: A Framework Of The In Personam Exception To Indefeasibility' (2008) 32 MULR 672
- Low, 'The Nature of Torrens Indefeasibility: Understanding the Limits of Personal Equities' (2009) 33 MULR 205
- Low, 'The Story of "Personal Equities" in Singapore: Thus Far and Beyond' [2009] Sing JLS 161
- Crown, 'Wither Torrens Title in Singapore?' (2010) 22 SAclJ 9
- Moses and Edgeworth, "Taking it Personally: Ebb and Flow in the Torrens System's in Personam Exception to Indefeasibility" (2013) 35 Sydney Law Review 107 - available on SSRN

4. Caveats

- Tan Sook Yee, Chapter 15

- (i) Caveatable interests
 - Sections 4 and 115, Land Titles Act

 - (a) Repudiated Contract of Sale
 - *Virginia Developments Pte Ltd v Behem Investment Pte Ltd* [1988] 1 SLR(R) 302

 - (b) Registered Proprietor/Mortgagor
 - *Société Générale v Good Property Land Development Pte Ltd* [1989] 1 SLR(R) 27

 - (c) Option to Purchase
 - *Eng Bee Properties Pte Ltd v Lee Foong Tatt* [1993] 2 SLR(R) 778

- (d) Pre-emption Rights
- *Ho Seek Yueng Novel v J & V Development Pte Ltd* [2006] 2 SLR(R) 742
 - *Ong Chay Tong & Sons (Pte) Ltd v Ong Hoo Eng* [2009] 1 SLR(R) 305
- (e) Tenant's Security Deposit
- *United Malayan Banking Corporation v Goodhope Realty* [1989] 1 SLR(R) 151
- (f) Interest in Matrimonial Assets Upon Divorce
- *Chai Mei Leng v Cheng William (No 2)* [1998] SGHC 381
 - *Lim Kaling v Hangchi Valerie* [2003] 2 SLR(R) 377
 - *Eu Yee Kai Alexander Junior (alias Eu Sandy) v Hanson Ingrid Christina* [2004] 4 SLR(R) 586
 - *Tan Huat Soon v Lee Mee Leng* [2009] SGHC 199
- (g) Particular Security Interests
- *The Asiatic Enterprises (Pte) Ltd v UOB Ltd* [1999] 3 SLR(R) 976, noted Crown [2000] Sing JLS 341 and Lee (2000) 12 SAclJ 210
 - *Ho Soo Fong v Standard Chartered Bank* [2005] 1 SLR(R) 316
 - *Kua Hui Li v Prosper Credit Pte Ltd* [2014] SGHC 108
 - *Salbiah bte Adnan v Micro Credit Pte Ltd* [2015] 1 SLR 601
- (h) Security Interests in Public Housing
- Section 51(1) to (4), and (11), *Housing and Development Act*
 - *Cf Abdul Hamid Bin Mohamed Ismail v Shaik Raheem s/o Abdul Shaik Shaik Dawood* [2005] SGDC 28
- (i) Unsecured Creditors in Insolvency
- *Power Knight Pte Ltd v Natural Fuel Pte Ltd (in compulsory liquidation)* [2010] 3 SLR 82

- (j) Interest under a Will
- *Shaan Taseer and others v Aamna Taseer* [2012] 4 SLR 1049
- (ii) Function of a Caveat
- *Butler v Fairclough* (1917) 23 CLR 78
 - *Eng Mee Yong v Letchumanan* [1980] 1 AC 331
 - *United Overseas Finance v Mutu Jeras* [1989] 1 SLR(R) 446
 - *City Developments Ltd v Goh Yoke Hian* [1990] 1 SLR(R) 120
- (iii) Process
- Sections 116 and 117, Land Titles Act
- (iv) Forms of Caveats
- Section 115(1) and (2), Land Titles Act
 - *Alrich Development Pte Ltd v Rafiq Jumabhoy* [1993] 1 SLR(R) 598
 - *Cathay Theatres Pte Ltd v LKM Investments Holdings* [1998] 1 SLR(R) 234
- (v) Effect of lodging a caveat
- Sections 119, 120 and 129-130, Land Titles Act
 - *Leong Sze Hian v Teo Ai Choo* [1983-1984] SLR(R) 89
 - *Tunas Pte Ltd v Mayer Investment Ltd* [1989] 1 SLR(R) 161
 - *United Overseas Finance v Mutu Jeras* [1989] 1 SLR(R) 446
- (vi) Remedies of a Caveatee
- Sections 123-124, and 126-128, Land Titles Act
 - *Tan Soo Leng v Wee Saktu & Kumar* [1993] 2 SLR(R) 741
 - *Eng Bee Properties Pte Ltd v Lee Foong Tatt* [1993] 2 SLR(R) 778
 - *Mookka Pillai Rajagopal v Khushvinder Singh Chopra* [1997] 2 SLR(R) 689
 - *Ho Soo Fong v Standard Chartered Bank* [2007] 2 SLR(R) 181
 - *Tan Yow Kon v Tan Swat Ping* [2006] 3 SLR(R) 881

- (vii) Priorities of Caveats
 - Section 49, Land Titles Act
 - *Power Knight Pte Ltd v Natural Fuel Pte Ltd (in compulsory liquidation)* [2010] 3 SLR 82
- (viii) Lifespan of a Caveat
 - Sections 121, 122 and 125, Land Titles Act
 - *United Overseas Finance v Mutu Jeras* [1989] 1 SLR(R) 446
 - *Re Tan Kiong Hwa* [1971-1973] SLR(R) 330
- 5. Powers to Rectify as Overriding Interests
 - (i) Power of Court
 - Section 160 Land *Titles Act*
 - *United Overseas Finance Ltd v Victor Sakayamary* [1996] 2 SLR(R) 20
 - *United Overseas Bank Ltd v Bebe bte Mohammad* [2006] 4 SLR(R) 884
 - (ii) Power of Registrar
 - Section 159 Land Titles Act
 - Baalman, *The Singapore Torrens System* (1961), pp 265-268
 - *United Overseas Bank Ltd v Bebe bte Mohammad* [2006] 4 SLR(R) 884
- 6. Assurance Fund
 - Tan Sook Yee, pp 323-324
 - Sections 151, and 155-158, Land Titles Act
 - *United Overseas Bank Ltd v Bebe bte Mohammad* [2006] 4 SLR(R) 884, [98]
 - Crown, 'Wither Torrens Title in Singapore?' (2010) 22 SAclJ 9

TOPIC 2: CONTRACT FOR SALE OF LAND

- Tan Sook Yee, Chap 16

I. 'Formalities'

- Section 6(d) Civil Law Act (Cap 43, 1999 Rev Ed)
 1. Writing
 - *SM Integrated Transware Pte Ltd v Schenker Singapore (Pte) Ltd* [2005] 2 SLR(R) 651
 - *Joseph Mathew v Singh Chiranjeev* [2010] 1 SLR 338, noted Low (2010) 22 SAcLJ 704
 2. 'Subject to contract' Memoranda
 - *SM Integrated Transware Pte Ltd v Schenker Singapore (Pte) Ltd* [2005] 2 SLR(R) 651
 - *Woo Kah Wai and another (Chesney Real Estate Pte Ltd, third party) v Chew Ai Hua, Sandra* [2014] 4 SLR 166 (noted See, 'Contract for the Grant of a Compliant Option to Purchase – Woo Kah Wai v Chew Ai Hua Sandra' [2015] Sing JLS 241)
 3. Signature
 4. Joinder of Documents
 - *Alrich Development Pte Ltd v Rafiq Jumabhoy* [1995] 2 SLR(R) 340
 - *Joseph Mathew v Singh Chiranjeev* [2010] 1 SLR 338, noted Low (2010) 22 SAcLJ 704
 - *Ong Kok Ming (alias Ong Henardi) v Happy Valley Holdings Pte Ltd and another* [2011] SGHC 199
 5. Doctrine of Part Performance
 - *Joseph Mathew v Singh Chiranjeev* [2010] 1 SLR 338, noted Low (2010) 22 SAcLJ 704
 - *Hu Lee Impex Pte Ltd v Lim Aik Seng (trading as Tong Seng Vegetable Trading)* [2013] 4 SLR 176

6. Specific Performance in Singapore

- *E C Investment Holding Pte Ltd v Ridout Residence Pte Ltd* [2011] 2 SLR 232 at [106] *Cf. E C Investment Holding Pte Ltd v Ridout Residence Pte Ltd* [2012] 1 SLR 32 at [103]
- *The Law of Contract in Singapore*, (Andrew Phang, Gen Ed.), (Academy Publishing, 2012), 23.085 – 23.105

7. Illegality

- *Ting Siew May v Boon Lay Choo* [2014] 3 SLR 609

TOPIC 3: CO-OWNERSHIP

I. Introduction to Co-ownership

- Tan Sook Yee, Chap 9

II. Practical Ramifications of Co-ownership

- Additional Buyers' Stamp Duty and the impact on co-ownership
<https://www.iras.gov.sg/IRASHome/Other-Taxes/Stamp-Duty-for-Property/Working-out-your-Stamp-Duty/Buying-or-Acquiring-Property/What-is-the-Duty-that-I-Need-to-Pay-as-a-Buyer-or-Transferee-of-Residential-Property/Additional-Buyer-s-Stamp-Duty--ABSD-/>
- Total Debt Servicing Ratio
http://www.mas.gov.sg/~media/MAS/Regulations%20and%20Financial%20Stability/Regulations%20Guidance%20and%20Licensing/Commercial%20Banks/Regulations%20Guidance%20and%20Licensing/Guidelines/TDSR_Guidelines_Refin_10Feb14.pdf

III. Types of Co-ownership & Characteristics

1. Joint Tenancy

- (i) Joint tenants are individually 'wholly entitled to the whole'
- (ii) Right of survivorship (*ius accrescendi*) and Muslim law
 - Section 39, Conveyancing and Law of Property Act (Cap 61, 1994 Rev Ed)
 - *Shafeeg bin Salim Talib v Fatimah bte Abud bin Talib* [2010] 2 SLR 1123
- (iii) Joint Tenancy and Collective Sales
 - *Goh Teh Lee v Lim Li Pheng Maria* [2010] 3 SLR 364
 - Crown, "En Bloc Sales and Joint Tenancy: *Goh Teh Lee v Lim Li Pheng Maria*" [2011] 2 SJLS 564.

2. Tenancy in Common

IV. Common Law

- The common law traditionally favoured the joint tenancy. A joint tenancy is created if the conveyance did not contain 'words of severance'.
- Section 53, Land Titles Act (Cap 157, 2004 Rev Ed)

V. Equity

- Equity traditionally favoured tenancies in common.
1. Unequal Contributions to Purchase Price
 - *Sitiawah Bee bte Kader v Rosiyah bte Abdullah* [1999] 3 SLR(R) 606
 - Section 51(10), Housing and Development Act (Cap 129, 2004 Rev Ed)
 - *Tan Chui Lian v Neo Liew Eng* [2007] 1 SLR(R) 265
 - *Tang, "Housing and Development Board Flats, Trust and Other Equitable Doctrines"* [2012] 24 SAclJ 470, para 18 – 35
 - *Lau Siew Kim v Yeo Guan Chye Terence* [2008] 2 SLR(R) 108, noted Low (2008) 124 LQR 369, Tang (2007) 8 SAL Ann Rev 215, pp 216-220
 - *Chan Yuen Lan v See Fong Mun* [2014] SGCA 36 (noted Tang, (2015) Conveyancer and Property Lawyer 163)
 - Cf The Position in *England*:
 - *Stack v Dowden* [2007] 2 AC 432
 - *Jones v Kernott* [2012] 1 AC 776
 2. Partnership Assets
 - *Malayan Credit Ltd v Jack Chia-MPH Ltd* [1986] AC 549

VI. Converting a Joint Tenancy into a Tenancy in Common (Severance)

- Crown, 'Partial Alienation by One Co-owner of Land' [2000] Sing JLS 92
- *Diaz v Diaz* [1997] 3 SLR(R) 759, noted Crown [1998] Sing JLS 166
- Section 66A, Conveyancing and Law of Property Act (Cap 61, 1994 Rev Ed)
- Section 53, Land Titles Act (Cap 157, 2004 Rev Ed)

- Crown, 'Developments in the Law of Co-ownership' [2003] Sing JLS 116

VII. Termination of Co-ownership

- Sale in Lieu of Partition
- Section 18(2) read with First Schedule, Paragraph 2, Supreme Court of Judicature Act (Cap 322, 2007 Rev Ed)
- *Khoo Seoke Haing v Cheah Khay Pin* (1885) 4 Kyshe Rep 74
- *Abu Bakar v Jawahir* [1993] 1 SLR(R) 865
- *Abdul Razak Valibhoy v Abdul Rahim Valibhoy* [1995] 1 SLR(R) 441
- *Chiam Heng Luan v Chiam Heng Hsien* [2007] 4 SLR(R) 305
- *Neo Hui Ling v Ang Ah Sew* [2010] SGHC 328 (Lawnet)
- *Wong Kim Wan (alias Wong Loretta) v Leong Ong Meng Jerome Matthew and another* [2010] SGHC 318
- *Chan Shwe Ching v Leong Lai Yee* [2015] 5 SLR 295 (Writ of Seizure and Sale)
- *Su Emmanuel v Emmanuel Priya Ethel Anne and anor* [2016] 3 SLR 1222

TOPIC 4: LEASES, LICENCES AND PROPRIETARY ESTOPPEL

I. LEASES

1. A 'lease' (or 'tenancy') is an agreement for exclusive possession for at a rent a term
 - Tan Sook Yee, Ch 17
 - *Re Tan Tye* [1966] 2 MLJ 107
 - *Goh Gin Chye v Peck Teck Kian Realty Pte Ltd* [1987] 2 MLJ 118
 - *Note: Control of Rent (Abolition) Act 2001 (Act No 14 of 2001)*
2. Conceptual ambivalence of the leasehold device ('contractualisation?')
 - *Tan Soo Leng David v Lim Thian Chai Charles & Anor* [1998] 2 SLR 923 (Lawnet)
3. Maximum duration must be ascertainable from commencement date
 - LTA, s 87
 - *Chiam Heng Luan v Chiam Heng Hsien* [2007] 4 SLR 305 at [72]
 - *Cf Y.E.S F&B Group Pte Ltd v Soup Restaurant Singapore Pte Ltd (formerly known as Soup Restaurant (Causeway Point) Pte Ltd)* [2015] 5 SLR 1187
4. *Other forms of tenancy*
 - (i) Tenancy at will
 - (ii) Tenancy at sufferance
 - (iii) Tenancy by estoppel
 - *Ritzland Investment Pte Ltd v Grace Management & Consultancy Services Pte Ltd* [2014] 2 SLR 1342
5. Creation of leases: formalities
 - *Note: distinction between legal and equitable leases*
 - CLPA, s 53(1)
 - LTA ss 46(1)(vi), 86, 87
 - *Golden Village Multiplex Pte Ltd v Marina Centre Pte Ltd* [2002] 1 SLR 333

- *Pontiac Land Pte Ltd v P-Zone Services Pte Ltd* [2010] 4 SLR 111
 - Civil Law Act s 6(d)
 - *SM Integrated Transware Pte Ltd v Schenker Singapore (Pte) Ltd* [2005] 2 SLR 651
 - *Joseph Mathew and Another v Singh Chiranjeev and Another* [2010] 1 SLR 338
 - (Note: doctrine of part performance)
6. Remedies for breach of covenant
- (Note: distinction between breach of covenant to pay rent and breach of other covenants)
 - (i) Action for arrears of rent or damages
 - (ii) Injunction and specific performance
 - (iii) Distress
 - *Distress Act (Cap 84) ss 4-5, 7-10, 12*
 - *Orchard Central Pte Ltd v Cupid Jewels Pte Ltd* [2014] 2 SLR 156
 - *Comfort Management Pte Ltd v Afco East Pte Ltd and others* [2012] 4 SLR 66
 - (iv) Forfeiture
 - CLPA ss 18, 18A
 - LTA ss 86(2), 93
 - *Protaz Co-operative Society v Toh Teng Sen* [2001] SGHC 84
 - (v) Right of set-off
 - *Batshita International (Pte) Ltd v Lim Eng Hock Peter* [1997] 1 SLR 241
 - *Overseas Union Enterprise Ltd v Three Sixty Degree Pte Ltd and another suit* [2013] 3 SLR 1
7. Determination of leases
- (i) Expiry of term; notice; surrender; merger

- LTA s 91
- *Fong Holdings Pte Ltd v Computer Library (S) Ltd* [1992] 1 SLR 332
- (ii) Holding Over
 - Civil Law Act, s 28(4)
 - *Lee Wah Bank Ltd v Afro-Asia Shipping Co Pte Ltd* [1992] 2 SLR 93
- (iii) Forfeiture
 - *Oriental Investments (SH) Pte Ltd v Catalla Investments Pte Ltd* [2013] 1 SLR 1182 para 97 – 102
- (iv) Repudiation
 - *Tan Soo Leng David v Lim Thian Chai Charles & Anor* [1998] 2 SLR 923
- 8. The State Lease under the State Land Act
 - *Defu Furniture Pte Ltd v RBC Properties Pte Ltd* [2014] SGCA 62

II. LICENCES

- Tan, Ch 19
- Note: LTA, s 95(2)
- *Tan Hin Leong v Lee Teck Im* [2000] 3 SLR 85; affd [2001] 2 SLR 27 (CA) (Lawnet)

III. PROPRIETARY ESTOPPEL

- Tan, Ch 7
- *Hong Leong Singapore Finance Ltd v United Overseas Bank Ltd* [2007] 1 SLR 292 at [170]-[171], [191]
- *Chiam Heng Luan v Chiam Heng Hsien* [2007] 4 SLR 305 at [78]
- *Low Heng Leon Andy v Low Kian Beng Lawrence* [2013] 3 SLR 710 at [24]-[30]
- *Lim Chin San Contractors Pte Ltd v Shiok Kim Seng (trading as IKO Precision Toolings) and another appeal* [2013] 2 SLR 279

- *LS Investment Pte Ltd v Majlis Ugama Islam Singapura* [1998] 3 SLR 754

TOPIC 5: MORTGAGES

I. Introduction

- Tan Sook Yee, Chapter 18
- 1. Unregistered Land
 - Section 53(1), *Conveyancing and Law of Property Act* (Cap 61, 1994 Rev Ed)
 - Sections 33-34 and Schedule, *Conveyancing and Law of Property Act* (Cap 61, 1994 Rev Ed)
- 2. Registered Land
 - Section 3, 68-69, *Land Titles Act* (Cap 157, 2004 Rev Ed)

II. Equity of Redemption & Clogs

- *Citicorp Investment Bank (Singapore) Ltd v Wee Ah Kee* [1997] 2 SLR(R) 1, noted Lee [1997] Sing JLS 37
- Cf *Hong Leong Finance Ltd v Tan Gin Huay* [1999] 1 SLR(R) 755, noted Tan [1990] Sing JLS 630

III. Redemption

- Sections 19-22, *Conveyancing and Law of Property Act* (Cap 61, 1994 Rev Ed)

IV. Rights of the Mortgagee

- 1. Foreclosure
 - Section 76, *Land Titles Act* (Cap 157, 2004 Rev Ed)
- 2. Right to Possession
 - Section 75, *Land Titles Act* (Cap 157, 2004 Rev Ed)
 - *Rimmon Watch Pte Ltd v Great Pacific Finance Ltd* [1989] 1 SLR(R) 66
 - *Singapore Finance Ltd v Matterhorn (Pte) Ltd* [1989] 2 SLR(R) 105
- 3. Right to Lease
 - Section 23, *Conveyancing and Law of Property Act* (Cap 61, 1994 Rev Ed)

4. Implied Powers for Particular Mortgages (Particularly Power of Sale and Power to Appoint Receiver)
 - Section 69, Land Titles Act (Cap 157, 2004 Rev Ed)
 - Sections 24-29, Conveyancing and Law of Property Act (Cap 61, 1994 Rev Ed)
 - Section 3, Land Titles Act (Cap 157, 2004 Rev Ed)
 - *Société Générale v Good Property Land Development Pte Ltd* [1989] 1 SLR(R) 76
5. Judicial Sale
 - Note also mortgagor's right to judicial sale
 - Section 30, Conveyancing and Law of Property Act (Cap 61, 1994 Rev Ed)

V. Duties of the Mortgagee

- *How Seen Ghee v The Development Bank of Singapore Ltd* [1993] 3 SLR(R) 610
 - *Lee Nyet Khiong v Lee Nyet Yun Janet* [1997] 2 SLR(R) 173
 - *Teo Siew Har v OCBC Ltd* [1999] 2 SLR(R) 619, noted Tan [1999] Sing JLS 630
 - *Beckett Pte Ltd v Deutsche Bank AG and Another* [2009] 3 SLR 452 at [27] and [28]
 - Loi, 'Mortgagees Exercising Power of Sale: Nonfeasance, Privilege, Trusteeship & Duty of Care' [2010] JBL 576
 - Wee, "Duties of A Mortgagee and A Receiver: Where Singapore Should and Should not Follow English Law" (2008) 20 SAclJ 559
1. Interim Remedies for Alleged Breach
 - *Kian Choon Investments (Pte) Ltd v Société Générale* [1990] 1 SLR(R) 7

VI. Application of Proceeds of Sale

- Section 74, Land Titles Act (Cap 157, 2004 Rev Ed)
- *OA of the property of Lim Chiak Kim v UOB* [1988] 2 SLR(R) 88
- *Chip Thye v Development Bank of Singapore* [1993] 3 SLR(R) 380

VI. Priorities

- Sections 48, 80, Land Titles Act (Cap 157, 2004 Rev Ed)

TOPIC 6: STRATA TITLES

- Building Maintenance and Strata Management Act (Cap 30C, 2008 Rev Ed) (“BMSMA”)
- Land Titles (Strata) Act (Cap 158, 2009 Rev Ed) (“LTA”)
- Teo, *Strata Title in Singapore and Malaysia* (4th ed, 2012) (for reference only)
- Tan Sook Yee, Ch 22

I. Management Corporation

- Part V Division 2 of the BMSMA
- Management Corporation Strata Title Plan No 1938 v Goodview Properties Pte Ltd [2000] 3 SLR(R) 350
- BMSMA, ss 24(2), 85
- *Yap Sing Lee v Management Corporation Strata Title Plan No 1267* [2011] 2 SLR 998
- Leow "Minority Protection Doctrines: From Company Law and Equity to Strata Title" (2011) Conv 96
- Leow "The Legal Personality of Management Corporations in Strata Title Developments in Singapore" (2012) Conv 75
- Part VII Division 2 of the BMSMA – subsidiary management corporation

II. Management Council and Managing Agent

- Part V Division 3 of the BMSMA
- Section 55(6), BMSMA
- Section 61, BMSMA
- Paragraph 8 of the First Schedule to the BMSMA
- Part V Division 5 of the BMSMA
- Section 68, BMSMA
- *Fu Loong Lithographer v Mok Wai Hoe* [2014] 3 SLR 456

III. Subsidiary Proprietors

1. Share Values
 - Section 30, LTSA
2. By-Laws
 - Section 32 and 33, BMSMA
 - Second Schedule of the Building Maintenance (Strata Management) Regulations 2005
 - *Management Corp Strata Title Plan No 1378 v Chen Ee Yueh* [1994] 1 SLR 463

3. Meetings
 - Paragraphs 12,14 in the First Schedule to the BMSMA
4. Water Seepage
 - Section 101(8), BMSMA

IV. Common property

- LTSA, s 13(1)
- *Poh Kiong Kok v Management Corporation Strata Title Plan No 581* [1990] 3 MLJ 206
- *Cheng Fu Zay and another v Management Corporation Strata Title Plan No 1919 (Scott Vickers Engineering Pte Ltd, third party)* [2008] 3 SLR(R) 328
- *Automobile Association of Singapore v Management Corporation Strata Title Plan No 918 and another matter* [2013] SGHC 214

V. Levying contributions contrary to statute

- BMSMA, ss 40, 41
- *MCSTP No 473 v De Beers Jewellery Pte Ltd* [2002] 2 SLR 1

VI. Dispute Resolution and Strata Titles Board

- Part VI of the BMSMA
- *Fu Loong Lithographer v Mok Wai Hoe* [2013] SGHC 226

VIII. Collective sale

- LTSA, ss 84A – 84F, First-Fourth Schs
1. Legislative background
 2. Policy objectives of statutory scheme
 - *Ng Eng Ghee and Others v Mamata Kapildev Dave and Others (Horizon Partners Pte Ltd, Intervener) and Another Appeal* [2009] 3 SLR 109
 - *Chua Choon Cheng and Others v Allgreen Properties Ltd and Another Appeal* [2009] 3 SLR 724
 3. Requirements for collective sale

- *Ng Swee Lang and Another v Sassoon Samuel Bernard and Others* [2008] 2 SLR 597
 - *Tan Siew Tian and Others v Lee Khek Ern Ken* [2008] 3 SLR 941
 - *Chang Mei Wah Selena and Others v Wiener Robert Lorenz and Others* [2008] 4 SLR 385
4. Position of co-owners
- *Goh Teh Lee v Lim Li Pheng Maria and others* [2010] 3 SLR 364 (noted Crown, 'En Bloc Sales and Joint Tenancy'[2011] SJLS 564)
5. Failure to comply with procedural requirements before Board (s 84A(7C))
- *Siow Doreen and Others v Lo Pui Sang and Others* [2008] 1 SLR 213
 - *Chang Mei Wah Selena and Others v Wiener Robert Lorenz and Others* [2008] 4 SLR 385
6. Meaning of transaction in good faith
- *Dynamic Investments Pte Ltd v Lee Chee Kian Silas and Others* [2008] 1 SLR 729
 - *Ng Eng Ghee and Others v Mamata Kapildev Dave and Others (Horizon Partners Pte Ltd, Intervener) and Another Appeal* [2009] 3 SLR 109
 - *N K Rajarh and others v Tan Eng Chuan and others* [2013] 3 SLR 103 ("Harbour View")
 - *Ngui Gek Lian Philomene and others v Chan Kiat and others (HSR International Realtors Pte Ltd, intervener) ("Thomson View")* [2013] SGHC 166
 - *Lim Li Meng Dominic and others v Ching Pui Sim Sally and another and another matter* [2015] 5 SLR 989
7. Duties of collective sale committee
- *Ng Eng Ghee and Others v Mamata Kapildev Dave and Others (Horizon Partners Pte Ltd, Intervener) and Another Appeal* [2009] 3 SLR 109 (above)
8. Financial loss; insufficient sale proceeds; incentive payments
- (s 84A(7)(a),(b),(8))
 - *Chua Choon Cheng and Others v Allgreen Properties Ltd and Another Appeal* [2009] 3 SLR 724 (above)
 - *N K Rajarh and others v Tan Eng Chuan and others* [2013] 3 SLR 103 ("Harbour View")

- *Ngui Gek Lian Philomene and others v Chan Kiat and others (HSR International Realtors Pte Ltd, intervener)* (“Thomson View”) [2013] 4 SLR 694
9. Strata Titles Board’s reduced role in collective sale
- Section 84 (d), LTSA

TOPIC 7: PUBLIC HOUSING – HDB FLATS

- Tan, Private Ownership of Public Housing in Singapore (for reference only)
- Tan Sook Yee, Ch 24

I. Eligibility to Public Housing

- Section 65(1)(b), Housing and Development Act (“H & D Act”)
- Rules found on HDB website – www.hdb.gov.sg
- “Family nucleus”
- Tang ‘The Legal Representation of the Singaporean Home and the Influence of the Common Law’ (2007) 37 HKLJ 81

II. Ethnic Integration Policy

- Tang ‘The Legal Representation of the Singaporean Home and the Influence of the Common Law’ (2007) 37 HKLJ 81

III. Minimum Occupation Period

- Section 49 A, H & D Act

IV. No Security or Trust Over Property without HDB’s Consent

- Section 51, H & D Act
- Tang, “Housing and Development Board Flats, Trust and Other Equitable Doctrines” [2012] 24 SAclJ 470

V. Resulting Trusts and HDB Flats

- *Sitiawah Bee bte Kader v Rosiyah bte Abdullah* [1999] 3 SLR(R) 606
- Section 51(10), Housing and Development Act (Cap 129, 2004 Rev Ed)
- *Tan Chui Lian v Neo Liew Eng* [2007] 1 SLR(R) 265
- *Koh Cheong Heng v Ho Yee Fong* [2011] 3 SLR 125 (noted Leow, (2011) 25 TLI 145)

VI. Determination of a Lease

- Section 55, H & D Act

VII. Compulsory Acquisition of a Lease

- Section 56, H & D Act
- *Wong Yip Pui v Housing and Development Board* [1983–1984] SLR(R) 739

VIII. Judicial Review of Compulsory Acquisition

- Section 56(6), H & D Act
- *Per Ah Seng Robin v Housing and Development Board* [2016] 1 SLR 1020

IX. Town Council

- See generally Town Councils Act
- See sections 18 and 19 of the Town Councils Act
- *Attorney-General v Aljunied-Hougang-Punggol East Town Council* [2016] 1 SLR 915
- Thio, 'Neither Fish nor Fowl: Town Councils, Community Development Councils and the Cultivation of Local Government/Governance in Singapore' in *Municipi d'Oriente: Il Governo Locale in Europa Orientale, Asia e Australia*, Hiroko Kudo, Giampaolo Ladu and Lucio Pegoraro eds., (Centre for Constitutional Studies and Democratic Development, 2009) at 373-411 (translated into Italian)" at http://www.academia.edu/601385/Neither_Fish_nor_Fowl_Town_Councils_Community_Development_Councils_and_the_Cultivation_of_Local_Government_Governance_in_Singapore

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