

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

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FIRST SCHEDULE

SECOND SCHEDULE

STRATA MANAGEMENT ACT 2013

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

IN exercise of the powers conferred by section 124 of the Strata Management Act 2013 [Act 757], the Minister, after consultations with the National Council for Local Government, makes the following regulations:

PART I

PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the **Strata Management (Strata Management Tribunal) Regulations 2015**.

(2) These Regulations come into operation on **1 July 2015**.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Strata Management Act 2013 [Act 757];

“Register” means the Register of the Strata Management Tribunal;

“Assistant Secretary” means any officer appointed under section 104 of the Act to collectively carry out the functions and duties of the Secretary;

“President” means any member of the Tribunal who presides over any proceedings in respect of any claim brought before the Tribunal;

“Secretary” means the Secretary of the Tribunal appointed under section 104 of the Act and includes an Assistant Secretary; and

“Tribunal” has the meaning assigned to it under section 2 of the Act.

Jurisdiction

3. The Tribunal shall hear and determine any claim specified in Part 1 of the Fourth Schedule to the Act.

Prescribed fee

4. The fees to be paid under these Regulations shall be as prescribed in the First Schedule.

Forms

5. The forms referred to in these Regulations shall be as prescribed in the Second Schedule.

PART II

COMMENCEMENT OF PROCEEDINGS

Statement of claim

6. (1) Every claim filed with the Tribunal shall be in Form 1.

(2) The claimant shall state in Form 1 the amount and particulars of the claim.

(3) Form 1 shall be—

(a) signed or thumb-printed, in the case where the claimant is an individual; or

- (b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the claimant is a corporation or an unincorporated body of persons.

Filing of statement of claim

7. Form 1 shall be filed with the Tribunal in four copies together with the prescribed fee and where there is more than one respondent, with an additional copy for every additional respondent.

Statement of claim to be sealed, etc., and entered in the Register

8. (1) On receipt of Form 1, the Secretary shall cause the copies filed—

(a) to be sealed with the seal of the Tribunal; and

(b) to be dated and signed,

and the form shall be deemed to be issued.

(2) The Secretary shall cause every claim filed to be entered in the Register kept at the Tribunal.

(3) Every claim mentioned in subregulation (2) shall be distinguished by a number and the year in which the claim is filed.

(4) After a claim has been entered in the Register, the Secretary shall retain two copies of the signed and sealed copies of Form 1 and cause the other signed and sealed copies of Form 1 to be returned to the claimant.

Service of statement of claim

9. (1) The claimant shall serve one signed and sealed copy of Form 1 on each respondent within fourteen days from the date of its issuance.

(2) Notwithstanding subregulation (1), the signed and sealed copy of Form 1 shall be valid for a period of thirty (30) days from the date of its issuance and the claimant may, subject to the payment of the prescribed fee, file a fresh claim after the expiry of that date.

Defence and counterclaim

10. (1) Every defence and counterclaim filed with the Tribunal shall be in Form 2.

(2) Form 2 shall contain—

(a) admission to the claim if the respondent admits the claim;

(b) particulars as to why the respondent disputes the claim if the respondent disputes the claim; or

(c) particulars of counterclaim if the respondent has a counterclaim.

(3) Form 2 shall be—

(a) signed or thumb-printed, in the case where the claimant is an individual; or

(b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the claimant is a corporation or an unincorporated body of persons.

Filing of statement of defence

11. (1) The respondent who has been duly served with a signed and sealed copy of Form 1 shall file his defence with the Tribunal in Form 2 within fourteen days from the date of receipt of such copy from the claimant.

(2) Form 2 shall be filed in four copies with the Tribunal together with the prescribed fee and where there is more than one claimant, with an additional copy for every additional claimant.

Statement of defence to be sealed, etc., and entered in the Register

12. (1) On receipt of Form 2, the Secretary shall cause the copies filed—

(a) to be sealed with the seal of the Tribunal; and

(b) to be dated and signed.

(2) The Secretary shall cause every statement of defence filed to be entered in the Register kept at the Tribunal.

(3) After a statement of defence has been entered in the Register, the Secretary shall retain two copies of the signed and sealed copies of Form 2 and the other signed and sealed copies of Form 2 to be returned to the respondent.

Service of statement of defence

13. The respondent shall serve one signed and sealed copy of Form 2 on each claimant within fourteen days from the date of receipt of such Form from the Secretary.

Defence to counterclaim

14. (1) Every defence to counterclaim filed with the Tribunal shall be in Form 3.

(2) Form 3 shall be—

(a) signed or thumb-printed, in the case where the claimant is an individual; or

(b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the claimant is a corporation or an unincorporated body of persons.

(3) The claimant shall, within fourteen days from the date of receipt of the signed and sealed copy of Form 2, file a defence to such counterclaim in Form 3 with the Tribunal.

(4) Subregulations 10(2) and (3), regulations 11, 12 and 13 shall apply with the necessary modifications to a defence to counterclaim.

PART III

SERVICE

Address of service

15. Every document which is served to the Tribunal shall state the name and address of the party serving the document and that address shall be deemed to be the address of service of the party.

Manner of service

16. (1) Any document required to be served on any person under these Regulations may be served and shall be deemed to have been served on that person by serving a copy of such document—

- (a) personally;
- (b) by registered post addressed to the last-known address of business, registered office, parcel or residence of the person to be served; or
- (c) by attaching the document at a prominent part of the last-known address of business, registered office, parcel or residence of the person to be served.

(2) Notwithstanding subregulation (1), service of notification by the Tribunal on any person may be effected by sending the notification by way of email or other electronic means—

- (a) to that person in the case of an individual; or
- (b) to the authorized person of such corporation or an unincorporated body of persons, in the case of a corporation or an unincorporated body of persons.

Date of service

17. (1) The date on which any document has been served in accordance with regulation 16 shall be deemed to be the date of service of such document.

(2) For the avoidance of doubt, where any document is served by post, the date of posting shall be deemed to be the date of service of such document.

PART IV

CLASSIFICATION OF CLAIMS

Secretary to classify claims

18. (1) Upon a claim being filed with the Tribunal, the Secretary shall classify the claim either for negotiation or hearing.

(2) Where the claim is fixed for hearing, the Secretary shall issue on both the claimant and respondent a notice of hearing in Form 4 by specifying the date, place and time of hearing.

(3) Where the claim is fixed for negotiation, the Secretary shall issue on both the claimant and respondent a notice of negotiation in Form 5 by specifying the date, place and time of negotiation.

Negotiation process

19. (1) A negotiation process shall be held by the Tribunal on the date, place and time as specified in Form 5.

(2) The provisions of sections 110, 112 and 113 of the Act shall apply in any negotiation process.

Settlement during negotiation

20. Where the parties reached an agreed settlement, the Tribunal shall approve and record the settlement in Form 6.

Notice of hearing where there is no settlement

21. (1) Where the parties are unable to reach an agreed settlement as specified in regulation 20, the Secretary shall issue a notice of hearing to the parties in Form 4.

(2) The Secretary shall fix the date, place and time for any subsequent hearing and it may be communicated by the Tribunal to the parties within such time as may be deemed reasonable by the Tribunal.

Non-appearance of parties during negotiation

22. Where the claimant or respondent fails to appear for negotiation after Form 5 has been duly served on him, the Tribunal shall give a direction as it thinks fit and just.

PART V
PROCEDURE

Award when statement of defence is not filed

23. Where the respondent does not file his defence as specified in regulation 11, the Tribunal may—

- (a) make an award for the claimant in Form 7 on the hearing date;
- (b) adjourn the hearing in its discretion to enable the respondent to file his defence; or
- (c) allow the respondent to submit his defence orally and proceed with the hearing.

Admission of claim

24. Where the respondent admits the claim in his statement of defence, the Tribunal shall make an award for the claimant in Form 8.

Non-appearance of parties

25. (1) Where the claimant or respondent fails to appear on the date, at the time and place fixed for the hearing, the Tribunal may proceed with the hearing or adjourn the hearing to a later date or give an order or make an award as it thinks appropriate.

(2) An award made as specified in subregulation (1) shall be—

- (a) in Form 9 in the absence of the claimant; or
- (b) in Form 10 in the absence of the respondent.

(3) Before disposing of the claim or counterclaim in the absence of any one or more parties, the Tribunal shall consider any representation submitted by the party or parties present.

(4) Where neither party appears on the date, at the time and place fixed for the hearing, the claim may be struck out by the Tribunal.

Hearing

26. (1) At the hearing before the Tribunal, the claimant shall be entitled to adduce evidence, call any witness or produce any document, record or thing to support his case.

(2) After the claimant has presented his case, the respondent shall present his case and may adduce evidence, call any witness or produce any document, record or thing to support his case.

(3) After the claimant and respondent have closed their respective cases, a brief oral or written submission may be made by the respondent and thereafter by the claimant.

(4) The Tribunal may at any time assist the parties in conducting their cases.

(5) An award made after the hearing under this regulation shall be in Form 11.

(6) Notwithstanding anything to the contrary therein contained in these Regulations, the Tribunal may conduct the proceedings and the hearing in such manner, and give order as it thinks appropriate, necessary or expedient.

Service of an award

27. The Secretary shall serve a copy of the award made by the Tribunal under these Regulations on the claimant and the respondent.

PART VI
SUMMONS TO APPEAR

Application for summons to appear

28. (1) The claimant or respondent may, at any stage of the proceedings by way of a notice of application in Form 12, apply to the Tribunal to summon any person to appear as witness or to produce any document, record or other things in his possession before the Tribunal.

(2) Form 12 shall contain the grounds of the application in detail as to the reason the person, document, records or other things as specified in subregulation (1) is required in the proceedings.

(3) The Tribunal may, in its discretion, allow the application conditionally or otherwise, or refuse the application.

(4) Form 12 shall be filed with the Tribunal in three copies and attached with the summons to appear in Form 13.

(5) The Tribunal shall register a summons to appear in Form 13 in cases where the application has been allowed under subregulation 28(3) and shall cause two signed and sealed copies of Form 13 to be returned to the person who applies for the summons to appear.

Service of summons to appear

29. Any person who applies for a summons to appear shall, within seven days from the receipt of the signed and sealed copies of Form 13 from the Tribunal, serve one copy of such Form on the person named in the summons.

Payment to person summoned

30. (1) Any person who applies for a summons to appear shall pay the person named in the summons an amount prescribed in the First Schedule.

(2) The payment mentioned in subregulation (1) shall be paid by money order, postal order, cashier order, bank order or bank draft and it shall be attached to Form 13 upon service.

Failure to appear

31. (1) Any person who fails to appear as a witness or to produce any document, records or other things in his possession or otherwise as set out in Form 13 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or both.

(2) Notwithstanding subregulation (1), where any person fails to appear as a witness or to produce any document, records or other things in his possession as set out in Form 13, the Tribunal may apply to a court for an order for committal or contempt of court.

PART VII
INTERLOCUTORY ORDER

Application for interlocutory order

32. (1) Every application for an interlocutory order shall be made by way of notice of application in Form 14.

(2) Form 14 shall be filed with the Tribunal together with the prescribed fee in sufficient copies with the consideration of the number of parties involved and two copies to be kept by the Tribunal.

(3) Form 14 shall contain in detail the prayers and grounds of application.

(4) Form 14 shall be—

(a) signed or thumb-printed, in the case where the applicant is an individual; or

- (b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the applicant is a corporation or an unincorporated body of persons.

Application to be sealed, etc., and entered in the Register

33. (1) On receipt of Form 14, the Secretary shall cause the copies filed—

- (a) to be sealed with the seal of the Tribunal;
- (b) to be given the date, place and time of the hearing of the application; and
- (c) to be dated and signed.

(2) The Secretary shall cause every application filed to be entered in the Register kept at the Tribunal.

Service of interlocutory application

34. (1) After an application for an interlocutory order has been entered in the Register, the Secretary shall retain two signed and sealed copies of Form 14 and the other signed and sealed copies of Form 14 to be returned to the applicant.

(2) The applicant shall, within seven days from the date of receipt of such Form from the Tribunal, serve the signed and sealed copies of Form 14 on the parties involved.

(3) Where the applicant fails to serve the signed and sealed copies of Form 14 on the parties involved within the time set out in subregulation (2), the application shall be struck out.

Hearing of application for interlocutory order

35. (1) The hearing of an application for an interlocutory order shall, unless the Chairman directs otherwise, be heard before the Secretary or any officer acting on his behalf.

(2) At the hearing of the application, the applicant shall be entitled to adduce evidence or produce any document, record or thing in support of his application.

(3) The provisions of section 110 of the Act shall apply in hearing of an application in this regulation.

(4) An order made under this regulation shall be in Form 15 and may be subjected to such terms and conditions as the Tribunal thinks fit.

PART VIII
SECURITY FOR COSTS

Security for costs of action

36. (1) Every application for security for costs shall be made by way of notice of application in Form 14.

(2) Where, on the application of a respondent to an action or other proceedings in the Tribunal, it appears to the Tribunal—

- (a) that the claimant is not a Malaysian citizen or ordinarily resident out of the jurisdiction;
- (b) that the claimant (not being a claimant who is suing in a representative capacity) is a nominal claimant who is suing for the benefit of some other person and there is reason to believe that he will be unable to pay the costs of the respondent if ordered to do so;

- (c) subject to subregulation (2), that the claimant's address is not stated in any claim or application made in the Tribunal or is incorrectly stated therein; or
- (d) that the claimant has changed his address during the course of the proceedings with a view to evading the consequences of the litigation,

then, if, having regard to all the circumstances of the case, the Tribunal thinks it just to do so, the Tribunal may order the claimant to give such security for the respondent's costs of the action or other proceedings as it thinks just.

(3) The Tribunal shall not require a claimant to give security by reason only of paragraph (2)(c) if he satisfies the Tribunal that the failure to state his address or the misstatement thereof was made innocently and with no intention to deceive.

(4) Where, on the application of a respondent to an action or other proceedings in the Tribunal, it appears to the Tribunal that—

- (a) a party, who is not a party to the action or proceedings (who is referred to as a "non-party"), has assigned the right to the claim to the claimant with a view to avoid his liability for costs; or
- (b) the non-party has contributed or agreed to contribute to the claimant's costs in return for a share of any money or property which the claimant may recover in the action or proceedings,

and the non-party is a person against whom a costs order may be made, then, if, having regard to all the circumstances of the case, the Tribunal thinks it just to do so, it may order the non-party to give such security for the respondent's costs of the action or other proceedings as the Tribunal thinks just.

(5) An application for an order under subregulation (4) shall be made by way of a notice of application in Form 14, which shall be served on the non-party personally and on every party to the proceedings.

(6) The grounds to support the application shall be served with the notice of application on every person on whom the notice of application is required to be served.

(7) The references in the foregoing paragraphs to a claimant and a respondent shall be construed as references to the person (howsoever described on the record) who is in the position of claimant or respondent, as the case may be, in the proceedings in question, including the proceedings on a counterclaim.

(8) An order made under this regulation shall be in Form 15 and may be subjected to any terms, as the Tribunal thinks fit.

Manner of giving security

37. Where an order is made requiring any party to give security for costs, the security shall be given in such manner, at such time, and on such terms, if any, as the Tribunal may direct.

Saving for written law

38. An order under regulation 36 is without prejudice to the provisions of any written law which empowers the Tribunal to require security to be given for the costs of any proceedings.

PART IX

DISCOVERY AND PRODUCTION OF DOCUMENTS OR MATERIALS

Order for discovery

39. (1) The Tribunal may at any stage of proceedings, order any party to give discovery and production of documents or materials which are or have been in his possession, custody or power for the expeditious determination of the claim.

(2) Notwithstanding subregulation (1), the claimant or respondent may at any stage of the proceedings by way of notice of application in Form 14 attaching a list of documents, apply to the Tribunal to direct any party or parties to give discovery and production of documents or materials which are or have been in his possession, custody or power for the expeditious determination of the claim.

(3) Form 14 shall contain details of the grounds of the application made under subregulation (2).

(4) An order made under this regulation shall be in Form 15 and subject to such terms as the Tribunal may direct.

Failure to comply order

40. Where any party who is required to make discovery and production of documents or materials, fails to comply with such order, the Tribunal may make an order as it thinks fit and just, in particular, an order that the claim be dismissed or an order that the defence be struck out and an award be made accordingly.

PART X INTERROGATORIES

Interrogatories to be answered

41. (1) The claimant or respondent may at any stage of the proceedings by way of notice of application in Form 14 apply to the Tribunal for an order—

(a) to serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the claim; and

(b) requiring that other party to answer the interrogatories within a specific period of time as may be determined by the Tribunal.

(2) Form 14 shall contain the grounds for the interrogatories.

(3) A copy of the proposed interrogatories and a copy of the answer to such interrogatories shall be attached together with the notice of application in Form 14.

(4) An order made under this regulation shall be in Form 15 and on such terms as the Tribunal may direct.

(5) Where any party who is required to answer the interrogatories fails to comply with such order, the Tribunal may make an order as it thinks fit and just including an order that the claim be dismissed or the defence be struck out and an award be made accordingly.

PART XI TRIBUNAL EXPERT

Appointment of expert to report on certain question

42. (1) In any cause or matter in which any question for an expert witness arises, the Tribunal may at any time, on its own motion or on the application of any party, appoint an independent expert or, if more than one such question arises, appoint two or more such experts, to inquire and report upon any question of fact or opinion not involving questions of law or of construction.

(2) An expert appointed under this regulation shall be referred to as a "Tribunal expert".

(3) Any Tribunal expert in a cause or matter shall, if possible, be a person agreed between the parties and, failing agreement, shall be nominated by the Tribunal.

(4) The question to be submitted to the Tribunal expert and the instructions, if any, given to him shall, failing agreement between the parties, be settled by the Tribunal.

(5) In this Part "expert", in relation to any question arising in a cause or matter, means any person who has such knowledge or experience of or in connection with that question that his opinion on it would be admissible in evidence.

Report of Tribunal expert

43. (1) The Tribunal expert shall send his report to the Tribunal, together with such number of copies thereof as the Tribunal may direct, and the Secretary shall send copies of the report to the parties.

(2) The Tribunal may direct the Tribunal expert to make a further or supplemental report.

(3) Any part of a Tribunal expert's report which is not accepted by all the parties to the cause or matter in which it is made shall be treated as information furnished to the Tribunal and be given such weight as the Tribunal thinks fit.

Experiments and tests

44. Where the Tribunal expert is of the opinion that an experiment or test of any kind (other than one of a trifling character) is necessary to enable him to make a satisfactory report, he shall inform the parties and shall, if possible, make an arrangement with them as to the expenses involved, the person to attend and other relevant matters and if the parties are unable to agree on any of those matters, it shall be settled by the Tribunal.

Cross-examination of Tribunal expert

45. Any party may, within fourteen days after receiving a copy of the Tribunal expert's report, apply to the Tribunal for leave to cross-examine the expert on his report, and on that application, the Tribunal shall make an order for the cross-examination of the expert by all the parties either—

(a) at the hearing; or

(b) before an examiner at such time and place as may be specified in the order.

Remuneration of Tribunal expert

46. (1) The remuneration of the Tribunal expert shall be fixed by the Tribunal and shall include a fee for his report and a proper sum for each day during which he is required to be present either in Tribunal or before an examiner.

(2) Without prejudice to any order providing for payment of the Tribunal expert's remuneration as part of the costs of the cause or matter, the parties shall be jointly and severally liable to pay the amount fixed by the Tribunal for his remuneration, but where the appointment of a Tribunal expert is opposed, the Tribunal may, as a condition of making the appointment, require the party applying for the appointment to give such security for the remuneration of the expert as the Tribunal thinks fit.

Calling of expert witnesses

47. Where a Tribunal expert is appointed in a cause or matter, any party may, on giving the other party a reasonable time before the trial notice of his intention to do so, call an expert witness to give evidence on the question reported by the Tribunal expert but no party may call more than one such witness without the leave of the Tribunal, and the Tribunal shall not grant leave unless it considers it reasonable in the circumstances of the case.

PART XII
MISCELLANEOUS

Setting aside award

48. (1) Any award obtained where any one party does not appear at the hearing, or any award made pursuant to paragraph 23(a), may be set aside by the Tribunal on the application of the aggrieved party.

(2) The application under subregulation (1) shall be made in Form 16 in three copies and contain grounds, in detail, why the award should be set aside together with the prescribed fee and shall be made within thirty days after the award has been served on the aggrieved party.

(3) Form 16 shall be served by the aggrieved party on the other party, or if more than one party, to all the other parties.

Rectification of award

49. (1) Pursuant to subsection 117(5) of the Act, the Tribunal may, on its own motion or on application in writing by any party to the proceedings, rectify a clerical mistake in any award or errors arising in the award from any slip or omission.

(2) No rectification of an award shall be made by the Tribunal unless—

(a) the Tribunal has taken great caution in view of public interest in the finalization of the legal proceedings;

(b) there is no fault on any part of the parties to the proceedings;

(c) the Tribunal has a valid reason to consider that it has proceeded on a misapprehension as to the facts or the law;

(d) all parties involved in the previous proceedings are given an opportunity to be heard.

(3) The rectification or correction under this regulation shall not—

(a) be made as a reason for re-arguing the case; or

(b) be used for the purpose of damaging arguments already considered by the Tribunal or because a party has failed to present the argument in all its aspects or as well as it might have been put.

(4) The provisions of sections 110, 112 and 113 of the Act shall apply in this regulation.

Adjournments

50. The Tribunal may from time to time adjourn a hearing to a specified date, time and place in such manner by such medium and on such conditions as it thinks just.

Costs

51. The Tribunal may in its discretion award—

(a) costs of any expert appointed by the Tribunal under paragraph 116(1)(a) of the Act; and

(b) other costs not exceeding five thousand ringgit to any party.

Notes of evidence

52. The Tribunal shall—

(a) take notes of evidence;

(b) state the terms of any particular questions or answer;

(c) make a note of the award made; and

(d) sign or initial the notes of evidence.

Records of proceedings to be kept

53. (1) The Secretary shall keep records of all proceedings of the Tribunal.

(2) The records required by these Regulations shall be kept by making entries in the respective case file.

Document from government department or local authority

54. Where in any proceedings, a document from a government department or local authority is tendered before the Tribunal by any party to the proceedings, no officer of the government department or local authority from where the document is procured shall be summoned or cross-examined with regard to the contents of the document unless the Tribunal orders otherwise.

Electronic filing of application or document

55. (1) The Tribunal may provide a service for the electronic filing or lodging of any document required by these Regulations to be filed or lodged with the Tribunal.

(2) An application or document electronically filed or lodged under these Regulations shall be deemed to have satisfied the requirement for filing or lodgement if the application or document is communicated or transmitted to the Tribunal in such manner as approved by the Tribunal.

(3) An application or document which is required to be affixed, signed or sealed shall, if it is electronically filed or lodged, be certified or authenticated in such manner as approved by the Tribunal.

(4) Where an application or document which is required to be signed and attested under these Regulations is electronically filed or lodged, the requirement for attestation of the signature does not apply.

Evidentiary value of copies of electronically filed application or document certified by the Secretary

56. (1) A copy of or an extract from any document electronically filed or lodged with the Tribunal under regulation 54 which is supplied or issued by the Secretary and certified to be a true copy thereof or extract therefrom under the signature of the Secretary shall be admissible in evidence in any proceedings as equal as the original.

(2) Where an application or document is electronically filed or lodged with the Tribunal, the Secretary or his authorized officer shall not be liable for any loss or

damage suffered by any person by reason of any error or omission of whatever nature or however appearing in any document obtained by any person under the service referred to in subregulation (1), if such error or omission was made in good faith and in the ordinary course of the discharge of the duties of the Secretary or of his authorised officer or occurred or arose as a result of any defect or any breakdown in the service or in the equipment used for the provision of the service.

(3) Where an application or document is filed or lodged with the Tribunal which does not comply with any requirement set out in regulation 54, the Secretary may serve on the person by whom the application or document was filed or lodged (or, if there are two or more such persons, on any of them) a notice indicating the requirement which the document does not comply with.

(4) Where a replacement application or document—

(a) is filed or lodged with the Secretary within fourteen days after the receipt of the notice in subregulation (3); and

(b) complies with the requirement of this regulation,

the application or document shall be deemed to have been filed or lodged with the Tribunal.

FIRST SCHEDULE
PRESCRIBED FEES
[Regulation 4]

No.	Proceedings	Forms	Fee (RM)
1.	Filing of statement of claim for residential	1	100.00
2.	Filing of statement of claim for commercial/industrial	1	200.00
3.	Filing statement of defence and counterclaim for residential	2	100.00
4.	Filing statement of defence and counterclaim for commercial/industrial	2	200.00
5.	Filing defence to counterclaim for residential	3	50.00
6.	Filing defence to counterclaim for commercial/industrial	3	100.00
7.	Payment to the person summoned	12	100.00
8.	Filing of notice of application for residential	14	50.00
9.	Filing of notice of application for commercial/industrial	14	100.00
10.	Filing of application to set aside award for residential	15	50.00
11.	Filing of application to set aside award for commercial/industrial	15	100.00

SECOND SCHEDULE
FORMS
[Regulation 5]

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 1
[Regulation 6]

STATEMENT OF CLAIM

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN THE STATE OF _____ MALAYSIA

CLAIM NO.: _____

Name of Claimant:	
NRIC No./Company No./Registration No.:	
Address:	
Tel No.:	
H/P No.:	
Fax No.:	
Name of Respondent:	
NRIC No./Company No./Registration No.:	
Address:	
Tel No.:	
H/P No.:	
Fax No.:	

Claimant's claim:
Particulars of claim:

_____ <i>Date</i>	_____ <i>Signature/Right thumb-print and full name (if an individual)/ Full name of the authorized person, designation and official stamp/common seal (if a company or body corporate)</i>
_____ <i>Date of filing</i>	_____ <i>Secretary</i>

(SEAL)

TO THE RESPONDENT:

If you dispute the claimant's claim, you shall file in your statement of defence in Form 2 within fourteen days from the receipt of this Form.

INSTRUCTIONS TO THE CLAIMANT:

1. You shall fill in your name in full, your identity card number/company number/registration number, your address and telephone number/handphone number/fax number in the column provided.

2. You shall fill in the name of the respondent in full, identity card number/company number/registration number, telephone number/handphone number/fax number and his last-known address in the column provided.

3. You shall state the order sought in the column provided.
4. You shall state the particulars of your claim in the column provided. The particulars shall include the relevant date and how the claim has arisen or what is the basis of the claim.
5. If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.
6. Having filled in the particulars, you shall sign this Form personally. In the case of a corporation or an unincorporated body of persons, you shall state the full name of the authorized person with his designation and affix the official stamp or common seal.
7. Having completed and signed this Form, you shall file this Form in four copies, and where there is more than one respondent, with an additional copy for every additional respondent, with the Tribunal together with payment of the prescribed fee. The Tribunal will affix the seal of the Tribunal on all copies, and all except two copies of this Form shall be returned to you. You must then serve one copy of the signed and sealed Form on each respondent.
8. You cannot be represented by an advocate and solicitor at the hearing. However, you may apply to the Tribunal at the hearing to be represented by an advocate and solicitor provided that you can show that the matter in question involves complex issues of law and you will suffer severe financial hardship if you are not legally represented by such advocate and solicitor.

INSTRUCTIONS TO RESPONDENT:

1. When you receive this Form signed and sealed by the Tribunal, you are being sued by the claimant.
2. If you dispute the claim you shall state your defence, with particulars, in Form 2.
3. You shall file in your statement of defence in Form 2 with the Tribunal together with the prescribed fee.

4. If you fail to file your statement of defence within the prescribed time or if you fail to appear before the Tribunal on the hearing date, the Tribunal may make an award in favour of the claimant.
5. You cannot be represented by an advocate and solicitor at the hearing. However, you may apply to the Tribunal at the hearing to be represented by an advocate and solicitor provided that you can show that the matter in question involves complex issues of law and you will suffer severe financial hardship if you are not legally represented by such advocate and solicitor.

STRATA MANAGEMENT ACT 2013

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 2

[Regulation 10]

STATEMENT OF DEFENCE AND COUNTERCLAIM

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN THE STATE OF _____ MALAYSIA

CLAIM NO.: _____

Name of Claimant:	
NRIC No./Company No./ Registration No.:	
Address:	
Tel No.:	
H/P No.:	
Fax No.:	
Name of Respondent:	
NRIC No./Company No./ Registration No.:	
Address:	
Tel No.:	
H/P No.:	
Fax No.:	

Statement of defence:

Counterclaim:

Date

*Signature/Right thumb-print and full name
(if an individual)/
Full name of the authorized person,
designation and official stamp/common seal
(if a company or body corporate)*

Date of filing

Secretary

(SEAL)

INSTRUCTIONS TO THE RESPONDENT:

1. If you admit the claimant's claim, you may state in the column provided for the statement of defence that you admit the claim.
2. If you dispute the claim, your statement of defence shall contain particulars as to why you dispute the claim.
3. If you have any counterclaim, you shall state your counterclaim with particulars in the column provided.

4. If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.
5. You shall file your statement of defence (and counterclaim if any) within the fixed time limit, otherwise an award will be made in favour of the claimant.
6. You shall sign and file four copies of this Form and where there is more than one claimant, with an additional copy for every additional claimant with the Tribunal together with payment of the prescribed fee.
7. The Tribunal will affix the seal of the Tribunal on all copies, and all except two copies of this Form shall be returned to you. You must then serve one copy of the signed and sealed Form on each claimant.

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 3
[Regulation 14]

DEFENCE TO COUNTERCLAIM

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

Name of Claimant:	
NRIC No./Company No./ Registration No.:	
Address:	
Tel No.: H/P No.: Fax No.:	
Name of Respondent:	
NRIC No./Company No./ Registration No.:	
Address:	
Tel No.: H/P No.: Fax No.:	

Defence to Counterclaim:

Date

*Signature/Right thumb-print and full name
(if an individual)/
Full name of the authorized person,
designation and official stamp/common seal
(if a company or body corporate)*

Date of filing

Secretary

(SEAL)

INSTRUCTIONS TO THE CLAIMANT:

1. If you admit the respondent's counterclaim, you shall state in the column provided for defence to counterclaim that you admit the counterclaim.
2. If you dispute the counterclaim, your defence to the counterclaim shall contain particulars as to why you dispute the counterclaim.
3. You shall sign and file four copies of this Form and where there is more than one respondent, with an additional copy for every additional respondent with the Tribunal together with payment of the prescribed fee.
4. The Tribunal will affix the seal of the Tribunal on all copies, and all except two copies of this Form shall be returned to you. You must then serve one copy of the signed and sealed Form on each respondent.

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 4
[Subregulation 18(2)]

NOTICE OF HEARING

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

TAKE NOTICE that the above claim will be heard on _____, the ____ day of _____
at _____ (address of place of hearing)
at _____ a.m./p.m.

Please bring all witnesses, documents, records, materials or properties, whichever is concerned,
to support your claim/defence and counterclaim.

Dated the _____ day of _____

(SEAL)

Secretary

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 5
[Subregulation 18(3)]

NOTICE OF NEGOTIATION

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

TAKE NOTICE that the above claim will be heard on _____, the ____ day of _____ at
_____ (address of place of hearing) at
_____ a.m./p.m.

Please bring all witnesses, documents, records, materials or properties, whichever is concerned to support your claim/defence and counterclaim.

Dated the _____ day of _____

(SEAL)

Secretary

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 6
[Regulation 20]

AWARD BY CONSENT

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

This action having this day been called on for hearing before _____ in the
presence of the claimant and the respondent, and both parties having consented, the Tribunal
hereby orders:

Dated the _____ day of _____

(SEAL)

President

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 7
[Paragraph 23(a)]

AWARD FOR CLAIMANT WHERE
RESPONDENT DID NOT FILE STATEMENT OF DEFENCE

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

The statement of claim (Form 1) has been duly served on the respondent and the respondent has failed to file his defence within the stipulated time. The Tribunal hereby makes the following award:

Dated the _____ day of _____

(SEAL)

President

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 8
[Regulation 24]

AWARD WHERE RESPONDENT ADMITS CLAIM

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

The respondent having admitted the claim, the Tribunal hereby orders:

Dated the _____ day of _____

(SEAL)

President

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 9
[Subregulation 25(2)]

AWARD FOR RESPONDENT WHERE CLAIMANT IS ABSENT

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

This action having this day been called on for hearing before
_____ in the presence of _____ as
the respondent, and in the absence of the claimant, the Tribunal hereby orders:

Dated the _____ day of _____

(SEAL)

President

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 10
[Subregulation 25(3)]

AWARD FOR CLAIMANT WHERE RESPONDENT IS ABSENT

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This action having this day been called on for hearing before
_____ in the presence of
_____ as the claimant, and in the absence of the
respondent, the Tribunal hereby orders:

Dated the _____ day of _____

(SEAL)

President

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 11
[Subregulation 26(5)]

AWARD AFTER HEARING

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
..... RESPONDENT

This action having been heard before _____ on _____ at
_____, the Tribunal hereby orders:

Dated the _____ day of _____

(SEAL)

President

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 12
[Subregulation 28(1)]

NOTICE OF APPLICATION FOR SUMMONS TO APPEAR

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

The Claimant/Respondent hereby applies to summon:

Name of witness : _____
NRIC No. : _____
Designation : _____
Address : _____

The grounds of the application:

Date

*Signature/Right thumb-print and full name
(if an individual)/
Full name of the authorized person,
designation and official stamp/common seal
(if a company or body corporate)*

INSTRUCTIONS TO THE CLAIMANT/RESPONDENT

1. You shall fill in your witness' full name, identity card number, designation and the last-known address of the witness in the column provided.
2. You shall state in the column provided your ground of application and shall contain in detail as to why the person, document, records or other things are required in the proceedings.
3. If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.
4. Having filled in the particulars, you shall sign this Form personally. In the case of a corporation or an unincorporated body of persons, you shall state the full name of the authorized person with his designation and affix the official stamp or common seal.
5. Having completed and signed this Form, you shall file this Form with the Tribunal in three copies and attach the summons to appear in Form 13. The Tribunal may, in its discretion, allow the application conditionally or otherwise, or refuse the application.
6. The Tribunal shall register any summons to appear in Form 13 and shall cause two signed and sealed copies of Form 13 to be returned to you. You must then serve one signed and sealed copy of Form 13 within seven days from the date of receipt of such copies on the person named in the summons.

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 13
[Subregulation 28(4)]

SUMMONS TO APPEAR

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

To

(insert full name and address of person summoned)

You are hereby summoned to appear before the Tribunal at _____ (address of place of hearing) on the _____ day of _____ at _____ a.m./p.m. to give evidence for the *claimant/respondent and also to bring with you and produce _____ (specify documents to be produced) at the time and place aforesaid. *This summons is as per condition attached.

Dated the _____ day of _____

(SEAL)

Secretary

**Delete where not applicable*

Date

*Signature/Right thumb-print and full name
(if an individual)/
Full name of the authorized person,
designation and official stamp/common seal
(if a company or body corporate)*

PART B

(to be filled in by the Tribunal)

NOTICE OF HEARING APPLICATION

The claimant/respondent has applied to the Tribunal for

_____ dated _____. All parties concerned must attend at
_____ (address of place of
hearing) on the date and time specified below:

Date of hearing : _____

Time : _____

Dated the _____ day of _____

(SEAL)

Secretary

INSTRUCTIONS TO THE CLAIMANT/RESPONDENT:

1. You shall state the type of application in the column provided.
2. You shall state in detail the order sought and grounds of application in the column provided.
3. If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

4. Having filled in the particulars, you shall sign this Form personally. In the case of a corporation or unincorporated body of persons, you shall state the full name of the authorized person with his designation and affix the official stamp or common seal.
5. Having completed and signed this Form, you shall file this Form in sufficient copies with the consideration of the number of parties involved and two copies to be kept by the Tribunal.
6. This Form shall be filed with the Tribunal together with the prescribed fee. The Secretary shall cause the copies filed to be sealed with the seal of the Tribunal and to be given the date, place and time of the hearing of the application. The Secretary shall retain two copies of the signed and sealed copies of this Form and cause the other signed and sealed copies of this Form to be returned to you. You must then, within seven days from the date of receipt of the signed and sealed copies of this Form from the Tribunal, serve such Form on the parties involved.
7. If you fail to serve the signed and sealed copy of this Form on the parties involved within the stipulated time, the application shall thereafter be struck out.

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 15

[Subregulations 35(4), 36(8), 39(4) and 41(4)]

ORDER FOR APPLICATION

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN THE STATE OF _____ MALAYSIA

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This action having been heard before _____ on _____
in/without the presence of _____ as the _____, the Tribunal hereby orders:

Dated the _____ day of _____

(SEAL)

President/Secretary

STRATA MANAGEMENT ACT 2013
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS 2015

FORM 16
[Subregulation 48(2)]

APPLICATION FOR SETTING ASIDE AWARD

IN THE STRATA MANAGEMENT TRIBUNAL
AT _____
IN THE STATE OF _____ MALAYSIA
CLAIM NO.: _____

BETWEEN
.....CLAIMANT
AND
.....RESPONDENT

1. An award has been obtained against me on: _____

2. I hereby apply to set aside the award.

3. I was not present at the hearing because:

4. I did not file my defence because:

Date

*Signature/Right thumb-print and full name
(if an individual)/
Full name of the authorized person,
designation and official stamp/common seal
(if a company or body corporate)*

NOTICE TO THE CLAIMANT/RESPONDENT

The claimant/respondent has applied to this Tribunal to set aside the award dated _____. The date and the time for the hearing of application are as stated below.

Date of hearing : _____

Time : _____ a.m./p.m.

Date of filing : _____

(SEAL)

Secretary

Made 26 May 2015
[KPKT/PUU/(S)/8/09; PN(PU2)729/II]

DATUK ABDUL RAHMAN DAHLAN
Minister of Urban Wellbeing, Housing and Local Government