

POST COVID-19: HOW TO DEAL WITH THE KEY ISSUES FACED BY DEVELOPERS, JMB AND MC UNDER THE HOUSING DEVELOPMENT ACT & STRATA MANAGEMENT ACT

**9 SEPTEMBER 2020
ROYALE CHULAN HOTEL KUALA LUMPUR**

This 1-day intensive seminar cum workshop is the third seminar in our Strata Management Seminar Series for 2020. The main focus of this edition would be to enable participants to learn how to deal with some of the key issues faced by Developers, JMBs and MCs post Covid-19.

The key topics include:

- Covid-19 Bill and its impact on Developers on issues relating to Defect Liability Period, Delivery of Vacant Possession and Liquidated Ascertained Damages
- How will the Covid-19 Bill affect Joint Management Bodies and Management Corporations and Purchasers?
- Issues arising from the application of Liquidated Ascertained Damages (LAD)
- Extension of Time (EOT) by Developers
- How to deliver valid Vacant Possession (VP)
- Applicability of the Defect Liability Period (DLP)
- How to determine charges for the 1st AGM of Joint Management Body (JMB)
- How to ensure smooth transition from Developer to JMB

The legislations that will be referred to are the Housing Development Act 1966; Strata Management Act 2013; Strata Management (Maintenance and Management) Regulations 2015; and Strata Management (Compounding of Offences) Regulations 2019.

WHO SHOULD ATTEND

- Property Developers
- Members of the management committee
- Members of the joint management committee
- Legal Practitioners
- Property Managers
- Local Authorities & Commissioners
- Property Owner
- Valuers, Appraisers and Estate Agents

Early Bird Registration by 3 September 2020

RM800/pax

***Limited seats available for this exclusive seminar**
Our seminars/workshop will strictly follow all the necessary SOPs and guidelines, especially those related to social distancing and hygiene

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and Property Managers

5 CPD HOURS APPROVED

9.00am - 10.30am

Session 1: Liquidated Ascertained Damages (LAD)

- Sale & Purchase Agreement and the relevant clauses
- Debate between booking fee & Sale & Purchase Agreement
- Remedies
- Extension of Time (EOT) by developers
- Analysis of Ang Ming Lee & Ors v Menteri Kesejahteraan Bandar, Perumahan dan Kerajaan Tempatan & Anor and other Appeals
- Covid-19 Bill and its impact on developers on issues relating to Liquidated Ascertained Damages (LAD)

Speaker: Dato Shamesh Jeevaretnam
Senior Partner, Jeeva Partnership
President of the Home Buyers Tribunal

10.30am - 11.00am

Coffee Break

11.00am - 12.30pm

Session 2: Vacant Possession (VP) & Defect Claims

- Validity of architect certificate and admissibility
- Applicable law and procedures
- Role of Expert witness & evidence
- Defect Liability Period (DLP) & applicability
- Vacant Possession validity and applicability
- Covid-19 Bill and its impact on developers on issues relating to Defect Liability Period (DLP) and Vacant Possession (VP)

Speaker: Dato Shamesh Jeevaretnam
Senior Partner, Jeeva Partnership
President of the Home Buyers Tribunal

12.30pm - 1.30pm

Networking Lunch

1.30pm - 2.30pm

Session 3: How will the Covid-19 Bill affect Joint Management Bodies and Management Corporations and Purchasers?

- Can a purchaser refuse to take vacant possession during MCO?
- Can JMB / MC ask for extension of time to repair defects if it falls within the period of MCO, CMCO, RMCO?
- Can JMB / MC recover outstanding rental from tenants who breached the tenancy agreement during the period of MCO, CMCO, RMCO?
- Can JMB / MC recover outstanding charges and sinking funds owed within the period of MCO, CMCO, RMCO?

Speaker: Mr Lai Chee Hoe
Partner, Chee Hoe & Associates

2.30pm - 3.30pm

Session 4: What are the things to lookout for when determining charges for the 1st AGM of Joint Management Body

- What are the items to be taken into account when determining charges?
- Can the Developer refer to Fifth Schedule of the SPA?
- Will the charges have an impact on a developer if it absorbs charges for the first year?
- Will it have an impact on the unsold units?
- Other relevant factors to be taken into account?
- How to recover outstanding charges owed by purchaser after establishment of the JMB?

Speaker: Mr Lai Chee Hoe
Partner, Chee Hoe & Associates

3.30pm - 4.00pm

Tea Break

4.00pm - 5.30pm

Session 5: How to ensure smooth transition from Developer to Joint Management Body (JMB)

- When do you convene the 1st AGM of Joint Management Body?
- What is "developer's management period"?
- Can you apply for an extension of time to convene the 1st AGM of JMB?
- Do you need to prepare budget for the 1st AGM of JMB?
- How does the JMB take-over insurances effected by the Developer?
- How many audited accounts to prepare?
- What are the other transferring duties?
- How to fill in Form 4 for multi phased development?

Speaker: Mr Lai Chee Hoe
Partner, Chee Hoe & Associates



**Dato' Shamesh
Jeevaretnam**

Dato' Shamesh Jeevaretnam is an active litigator and a certified arbitrator. Dato' is currently the President of the Home Buyers Tribunal, a division of the Housing and Local Government Ministry which is a dispute resolution forum between purchasers and developers. Having been in legal practice for approximately two decades, Dato' Shamesh has represented various corporations and multinationals in contentious and non-contentious matters. His practice has a civil and commercial litigation flavour mixed with intellectual property.

He has extensive experience in dealing with commercial disputes and often appears at the High Court, Court of Appeal and Federal Court. He has represented various joint management bodies, management corporations and developers in suits involving late delivery, property management disputes, maintenance claims, and disputes pertaining to common areas. Dato' is also a certified trainer and had spoken on various topics particularly on housing development law in local and international platforms.



Lai Chee Hoe

A Certificate of Legal Practice ("CLP") Book-prize winner, the founding partner of Chee Hoe & Associates, Mr Lai was admitted and enrolled as an advocate and solicitor of the High Court of Malaya in 2005. He acts for the Bar Council on various cases. He is also the author of the book "Strata Management Practice & Procedure, 2019 Edition" published by CLJ Publication.

Mr Lai specialises in both civil and corporate litigation in particular strata management disputes. He also provides corporate advisory works and advises corporates on strata related pre-emptive actions. He argues complicated strata management issues in court regularly and is constantly sought after to provide trainings and talks. He acts for

joint management committees (JMC), management corporations (MC) and developers.

He also regularly updates Strata related cases on <https://blog.burgielaw.com/>. He was also the Chairperson of various Management Corporations in Kuala Lumpur and one of the development area he chaired, Solaris Dutamas recently won the best managed property in the mixed development category organised by the Edge.

He is also empanelled with the Asian International Arbitration Centre ("AIAC") as a chartered arbitrator (fellow of CI Arb) and certified adjudicator.

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STRATA MANAGEMENT SEMINAR SERIES 3 9 September 2020 Royale Chulan Hotel Kuala Lumpur	Early Bird Register & Pay by 3 September 2020	Normal Price Register & Pay after 3 September 2020
Registration Fee	<input type="checkbox"/> RM800/per pax	<input type="checkbox"/> RM900/per pax

*Group discount: 3 pax & above enjoys 5% discount | 5 pax & above enjoys 10% discount

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Cancellations

If you are unable to attend, a substitute delegate is welcome at no extra cost. A complete set of seminar documentation / materials and a 50% refund will be given for cancellations received in writing not later than 5 working days prior to the seminar date. No refunds will be given for cancellations received less than 5 working days prior to the seminar date.

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