

# HOW TO AVOID THE CRITICAL MISTAKES WHEN DEALING WITH VACANT POSSESSION (VP) AND EXTENSION OF TIME (EOT)

**7 DECEMBER 2022  
CONCORDE HOTEL KUALA LUMPUR**

This 1-day intensive seminar cum workshop is part of our new Housing Development Seminar Series introduced in 2022. This latest seminar will enable participants to learn how to avoid the critical mistakes and common liabilities faced by housing and property developers, in particular, when delivering vacant possession (VP) and the application of extension of time (EOT).

The speaker will also deal with all the latest developments affecting housing developments involving issues such as: does the Controller / Minister still have power to grant an EOT; can purchasers filed an action against the Developer for LAD starting from 36 month onwards; the exemptions still applicable under the Covid-19 Act; and what are the risks a developer may face when applying for an extension of time?

The **KEY TOPICS** include:

- What is the correct mechanism in delivering vacant possession (VP)?
- Can a developer apply for extension of time (EOT) to extend the period of completion as determined in the prescribed SPA?
- How do you mitigate the risk of having the extension of time (EOT) invalidated?
- What are recent key issues currently affecting delivery vacant possession (VP) and extensions of time (EOT)?

## **WHO SHOULD ATTEND**

- Property Developers
- Legal Practitioners / Consultants
- Property Managers
- Local Authorities & Commissioners
- Property Owners
- Valuers, Appraisers and Estate Agents

Early Bird Registration by 2 December 2022

**RM850/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

Organised By



A-5-10, Empire Tower SS16/1,  
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Strategic Partners



**BOVAEP / LPPEH**

**5 CPD HOURS APPLIED**

8.30am - 9.00am	Registration
9.00am - 10.30am	<b>What is the correct mechanism in delivering vacant possession (VP)?</b> <ul style="list-style-type: none"> <li>• How do you deliver vacant possession?</li> <li>• What form do you have to fill in?</li> <li>• What is a common property defects account ("CPDA")?</li> <li>• How much do you have to pay into the CPDA?</li> <li>• Can you request for a refund of monies paid into the CPDA?</li> <li>• Can you deem the 14 days vacant possession be delivered if a parcel owner does not collect the keys?</li> <li>• Can you deliver vacant possession if the purchaser has not paid the purchase price in full?</li> </ul>
10.30am - 11.00am	Coffee Break
11.00am - 12.30pm	<b>Can a developer apply for extension of time (EOT) to extend the period of completion as determined in the prescribed SPA?</b> <ul style="list-style-type: none"> <li>• What about EOT based on Covid-19 Act?</li> <li>• How will the EOT based on Covid-19 Act play an impact in delivery of vacant possession?</li> <li>• Will an extension of time obtained before signing of the SPA be relevant?</li> <li>• Can a developer apply for extension of time to extend the period to delivery vacant possession in light of Covid-19?</li> <li>• Does the EOT apply only to housing development?</li> <li>• What are the criteria applicable to apply for the extension of time?</li> <li>• How do you demonstrate "hardship"?</li> <li>• When does one adopt the Schedule SPA?</li> <li>• Workshop: to look at the clauses in Schedule H</li> </ul>
12.30pm - 1.30pm	Networking Lunch
1.30pm - 3.00pm	<b>How do you mitigate the risk of having the extension of time (EOT) invalidated</b> <ul style="list-style-type: none"> <li>• Does the Controller still have power to grant an EOT?</li> <li>• Does the Minister have power to grant an EOT?</li> <li>• What to do when purchasers filed an action against the Developer for LAD starting from 36 month onwards?</li> <li>• What happens to the extension of time obtained before the decision made in Ang Ming Lee?</li> <li>• Does Ang Ming Lee have retrospective effect?</li> <li>• What happens if the SPA has expressly set out 48 / 50 months</li> <li>• Will estoppel apply?</li> <li>• Will purchasers be unjustly enriched?</li> <li>• Is knowledge of purchasers an important factor?</li> <li>• Does a suit need to be commenced by Judicial Review?</li> </ul>
3.00pm - 3.30pm	Tea Break
3.30pm - 5.00pm	<b>What are recent key issues currently affecting delivery vacant possession (VP) and extensions of time (EOT)?</b> <ul style="list-style-type: none"> <li>• What are the cases post Ang Meng Lee?</li> <li>• Can a housing developer apply for exemption based on Section 2(2) Housing Development (Control and Licensing) Act 1996?</li> <li>• Can we get the Minister to ratify the decision of the Controller?</li> <li>• Can the ratification have retrospective effect?</li> <li>• What are the other compliance factors which required to be taken into account?</li> <li>• Do you require the Minister to sign off the letter of extension?</li> <li>• What are the risks a developer may face when applying for an extension of time?</li> <li>• What are the ways forward?</li> </ul>



**Lai Chee Hoe**

Founding / Managing Partner  
Chee Hoe & Associates

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 was also the Chairperson of the Kuala Lumpur Bar Young Lawyers Committee. He acts for the Bar Council on various cases.

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 is the lead counsel for landmark cases such as Obata Ambak Holdings, which recently obtained leave to appeal to the Federal Court on seven questions of law post Ang Ming Lee; and the Gas Malaysia case where court made a key decision that the supply of Gas ought not be handed over to the JMB / MC.

He also regularly updates Strata related cases on <https://blog.burgielaw.com/>. He is also the author of the best-selling book "Strata Management Practice & Procedure, 2019 Edition" published by CLJ Publication.

He was the Chairperson of various Management Corporations in Kuala Lumpur and one of the development areas 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.

He also sits in the focus committee to propose amendments to the Strata Management Act 2013 and the Strata Management (Maintenance & Management) Regulations 2015.

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HOUSING DEVELOPMENT SEMINAR SERIES 2 7 DECEMBER 2022   CONCORDE HOTEL KUALA LUMPUR	Early Bird Register & Pay by 2 December 2022	Normal Price Register & Pay after 2 December 2022
Registration Fee	<input type="checkbox"/> RM850/per pax	<input type="checkbox"/> RM950/per pax

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

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