



One Day Intensive Seminar

SBL Claimable Subject to HRDF Approval

Legal and Practical Issues on Housing Developers Under the Housing Developers Act and the Regulations Made Thereunder: The Rights, Duties and Liabilities of Developers, Purchasers and Financiers (With Latest Amendments)

9TH APRIL 2010
JW MARRIOTT HOTEL,
KUALA LUMPUR

Conducted By Distinguished Speaker:
MR. TANG KEAN ONN
Advocate & Solicitor, LL.B Hons (UM), LL.M (UM)

Outline

- 1. The Current Application of the Housing Developers Act and the Amendments Made Thereto:
To What Extent the Housing Developers Act is Applicable to Gated Developments in Malaysia
Development Under the "Build Then Sell" Concept
Management of Strata Development Under The Housing Developers Act, The Strata Titles Act and the proposed Building and Common Property (Maintenance and Management) Act 2006
The Defects Liability Period under the HDA
Understanding Why the Right of Termination of the Sale & Purchase Agreement Can Only Be Exercised by the Developers and Not the Purchasers
Importance of the Issue Document of Title / Strata Title Under the HDA
2. When is "Vacant Possession" Deemed Delivered to Purchasers - Claims for late delivery/-Litigation & the settlement of disputes under the proposed tribunal/Practical issues
3. Claims for Defects and the Defects Liability Period
Duty of stakeholders to release to the remaining 5% of the purchase price to pay for defects/-The legal status of the remaining 5% of the purchase price in the event the developer is wound-up or under receivership/-Liability for fundamental and structural defects
4. Application for Certificate of Fitness (CF)
The handling over of the vacant possession in accordance with the Uniform Building By-Laws/-Practical differences between the Temporary CF and Permanent CF/-Effect of unauthorised renovations by purchasers/-Duty of

- the local authorised/-Delay in the issuance of the Permanent CF and remedies of purchasers
5. Unilateral Termination of the Sale and Purchase Agreement by Purchasers: -Right of developers to forfeit part of purchase price paid/-Position of financiers
6. Progressive Release of the Loan Amount by Financiers
Importance of compliance with the Third Schedule/Legal effect of the undertaking given by financiers to developers to release progressively/-Financiers' right not to release/-Effect of notice from purchasers/borrowers to financiers not to release/-Rights to purchasers and financiers to challenge the architect's certificate
7. Control of Sub-Sale and the Deed to Mutual Covenant
Whether the Deed of Mutual Covenant contravenes the amended Act/-Consent from the developers and the imposition of administrative fees/-The duty of management corporations and the imposition of service charges
8. Application for Sub-Division and Issuance of Individual Titles
Reasons for delay/-Effects of private caveats lodged by financiers on Master Title/-Rights and remedies of purchasers for the delay or non-issuance of the individual titles
9. Abandonment of Project by Developers
Rights and remedies of purchasers and financiers
10. Effects of Developers Under Receivership or Winding-Up
11. Enforcement and Prosecution Under the Housing Developers Act 1966 and Under the New Housing Development (Control and Licensing) (Amendment) Act 2003
* Terms & Conditions Apply

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