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One Day Intensive Seminar

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)

20TH JUNE 2012
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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