

# HOW TO NAVIGATE THE LATEST CHALLENGES FACED BY DEVELOPERS UNDER **THE** CURRENT HOUSING DEVELOPMENT REGIME

3 OCTOBER 2024  
CONCORDE HOTEL KUALA LUMPUR

This 1-day intensive seminar cum workshop is the final seminar in our Housing Development Seminar Series for 2024. The focus of this edition would be to enable participants to learn how to navigate the latest challenges faced by developers under the current housing development regime.

The Federal Court of Malaysia recently delivered a landmark decision on the primary issue of whether purchasers are entitled to claim Liquidated Ascertained Damages ("LAD") when they have entered into a sale and purchase agreement with a completion period of more than 36 months. The speakers will highlight all the important principles propounded by the Court and the impact it will have on residential developments.

The speakers will also deal with the important issues such as: what does a developer have to do before delivery of vacant possession; what are the best practices to adopt when one deals with JPN when applying for EOT; and what are the procedures in the Homebuyer Tribunal?

The **KEY TOPICS** include:

- What is the latest position on extension of time (EOT) & Liquidated Ascertained Damages (LAD) in light of the recent Federal Court decision in Obata?
- What is the best approach to deliver vacant possession?
- What are the key considerations taken into account by Jabatan Perumahan Negara when granting EOT?
- Homebuyer Tribunal - How to make a claim and get an award?
- Recent landmark decisions affecting housing developments

## WHO SHOULD ATTEND

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

Early Bird Registration by 27 September 2024

**RM890/pax**

\*Limited seats available for this exclusive seminar

Organised By



A-5-10, Empire Tower SS16/1,  
Subang Jaya, 47500 Subang Jaya, Selangor  
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Strategic Partners



**BOVAEP / LPPEH**  
**5 CPD HOURS APPLIED**

9.00am - 10.30am

**WHAT IS THE LATEST POSITION ON EOT & LAD IN LIGHT OF THE RECENT FEDERAL COURT DECISION IN OBATA-AMBAK HOLDINGS V PREMA BONANZA?**

- What is the fixed period to complete a strata development?
- Can we apply for more than 36 months after Obata?
- What are the principles propounded by the Federal Court?
- What type of EOTs which are to be found to be null and void?
- Does LAD kick in from the 36th month onwards?
- How does the prospective overruling be applied in actual EOT granted?
- What are the EOTs which can be saved?
- What does one do with pending EOT cases filed in court?
- What is the effect of Reg 11(3) HDR post Obata?
- What impact does it have on residential development?

**Speaker:** Lai Chee Hoe, Managing Partner, Chee Hoe & Associates

10.30am - 11.00am

Coffee Break

11.00am - 12.30pm

**WHAT IS THE BEST APPROACH TO DELIVER VACANT POSSESSION?**

- What does a developer have to do before delivery of vacant possession?
- What is the difference between vacant possession and legal possession?
- What if a purchaser refuses to pick up keys?
- Does one have to deliver vacant possession with separate strata title issued?
- What if one does not have strata title issued at the time of delivery of vacant possession?
- Does one have to ensure electricity supply is ready for connection?
- What if a purchaser does not pay the deposit to the utility provider?
- Does one need to delivery vacant possession if balance of purchase price is not paid in full?

**Speaker:** Lai Chee Hoe, Managing Partner, Chee Hoe & Associates

12.30pm - 1.30pm

Networking Lunch

1.30pm - 3.00pm

**WHAT ARE THE KEY CONSIDERATIONS TAKEN INTO ACCOUNT BY JABATAN PERUMAHNAN NEGARA WHEN GRANTING EOT?**

- What are the best practices to adopt when one deals with JPN when applying for EOT?
- Who should you address the letter to when one applies for EOT?
- What are the documents that one needs to retain when applying for EOT?
- How long will it take for the application to be approved?
- What are the key sections in applying for an EOT?

**Speaker:** Nur Amzari Bin Dato' Sri Azemi, Director, Housing Development Licensing Division at the National Housing Department, KPKT

3.00pm - 3.30pm

Tea Break

3.30pm - 5.00pm

**HOMEBUYER TRIBUNAL - HOW TO MAKE A CLAIM AND GET AN AWARD?**

- What is Homebuyer Tribunal and its jurisdiction?
- Can you bring an action in a Homebuyer Tribunal? If not, who can?
- Who can attend at the hearing?
- What is the procedure in a Homebuyer Tribunal?
- How does an appeal work?
- Can a Homebuyer Tribunal make an order to pay compensation?
- Can we challenge an award by the Homebuyer Tribunal?
- What is the recent trend of cases

**Speaker:** Lai Chee Hoe, Managing Partner, Chee Hoe & Associates



**Lai Chee Hoe**

A Certificate of Legal Practice (“CLP”) Book-prize winner for General Paper, author of “Strata Management Practice & Procedure” published by CLJ Publication 2019 edition, admitted and enrolled as an Advocate and Solicitor of the High Court of Malaya in 2005.

In year 2019, he sat on the previous focus committee amending the Strata Management Act 2013 and the Strata Management (Maintenance & Management) Regulations 2015. In year 2024, he was appointed by the Ministry of Housing and Local Government as one of the panel of advisor to assist in the amendments to the Housing Development (Control and Licensing) Act 1966 [Act 118] and Strata Management Act 2015. [Act 757]

He specialises in strata management and housing development disputes. He also advises developers on strata related pre-emptive actions and provide a comprehensive advisory from the stage of SIFUS and drawing up the schedule of parcels.

He argues complicated strata management issues in court regularly and is constantly

sought after to provide training and talks. He acts for joint management bodies (JMB), management corporations (MC) and developers.

He acted as the main counsel for:

1. *Obata Ambak v Prema Bonanza* which the Federal Court (with a panel of 5 judges) delivered a landmark decision distinguishing *Ang Ming Lee*.
2. *Pearl Suria* case where the Court of Appeal (and leave was not allowed in the Federal Court) delivered a landmark decision in allowing a developer (during preliminary management period) and Management Corporation to apply different rates of charges.
3. *Gas Malaysia* case where the Court of Appeal (and later affirmed by the Federal Court) opined that the Management Corporation has no power to supply Gas to the development area.

He also acts for the Bar Council on various cases. He also regularly updates Strata related cases on <https://blog.burgielaw.com/>



**Nur Amzari Bin Dato' Sri Azemi**

Mr Nur Amzari is the current Director of the Housing Development Licensing Division at the National Housing Department, KPKT. He entered the Malaysian public service in 2004 and has accumulated nearly 20 years of experience in diverse fields. He held the positions of Assistant Director at the Federal Land Property Section, Assistant Director at the Enforcement and Federal Revenue Section, and Assistant Director at the Land Acquisition Section within the Department of Director General of Lands and Mines (JKPTG), Ministry of Natural Resources (NRE) from 2004 to 2010.

He served as the Director of JKPTG Melaka from February 2010 until March 2011 and served as the Deputy Director (Finance) in the Department of Survey and Mapping

(JUPEM) from 2011 until 2016. He then served as the Senior Principal Assistant Secretary at the International and Strategic Secretariat Division, KPKT from 2016 to 2021 and as the Senior Principal Assistant Director at the Strata Management Division, National Housing Department from 2021 to 2022.

He earned a Bachelor of Law with Honors (LLB Hons) from the International Islamic University of Malaysia (IIUM) in 2004 and a Master of Laws (LL.M.) from the University Kebangsaan Malaysia (UKM) in 2023. He is also a member of Jabatan Perumahan Negara task force team working on amending the Housing Development (Licensing and Control) Act 1966.

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3 OCTOBER 2024 | CONCORDE HOTEL KUALA LUMPUR

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 Signature Date

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