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I can't keep up with my condo fees

Q MY FAMILY and I are living in a condominium unit.

Owing to financial difficulties, I have trouble servicing my mortgage loan, let alone paying the maintenance fee for the apartment.

I am several months behind in terms of payment. Can we be evicted from our apartment by the management corporation?

A THE management of most condominiums in Singapore come under the purview of the Land Titles (Strata) Act. Under this Act, the management corporation (MC) has a wide array of options to choose from to ensure that the maintenance and sinking fund contributions are paid on a regular basis.

Firstly, if your contributions remain unpaid for more than 30 days after the MC has served a written notice of demand on you, the MC can lodge a charge against your property.

Once the instrument of charge is registered with the relevant authority, the MC will have the power of sale as if it were a registered mortgagee.

Even if it does not exercise this power, it will prevent you from selling your property before settling the matter with the MC, as no buyer will complete the sale of your property until the charge is removed from the records.

Secondly, the MC can commence an action in court or the Small Claims Tribunal against you for the recovery of the outstanding contributions.

If you still refuse to pay, the MC can enforce judgment by way of a writ to seize and sell movable items in your house to satisfy the judgment debt.

If your outstanding contributions exceed \$10,000, the MC can even apply to make you a bankrupt.

Finally, it is a criminal offence under the Act not to pay the monthly contributions.

The MC can therefore commence criminal proceedings against you by way of a private summons.

And upon conviction, you can be liable to a fine not exceeding \$10,000 and be ordered to pay the outstanding amount of contributions to the MC.

Do also note that apart from the outstanding contributions, you would also be liable to pay interest on late contributions and the legal costs incurred by the MC in taking out any or all of the above actions against you.

My advice is: be honest and talk to your MC about your current financial difficulties and try to work out a realistic repayment schedule.

The MC, after all, comprises your neighbours who may be sympathetic to your woes.

Vijai Parwani

Managing partner

Parwani & Company