

8. Display of Information about Legal Proceedings

Q222 : What is meant by “the particulars of the proceedings” under section 26A of the BMO?

A : The particulars of the proceedings may include –

- (a) the capacity of the parties of the proceedings;
- (b) the case number of the legal action and the forum of the case (i.e. whether it is commenced in Lands Tribunal, District Court, High Court etc.);
- (c) nature of the case; **and**
- (d) the amount claimed by the plaintiff (where OC is the defendant) or to be claimed by the OC (where OC is the plaintiff), or the remedies or relief sought if they are not monetary in nature (e.g. injunction order, declaration etc.)

Section 26A

Q223 : What is meant by court documents? If an OC receives a letter from a lawyer, saying that legal action may be or will be commenced against the OC, does the OC have to display a notice under section 26A of the BMO?

A : Court documents means documents filed with the court. Common examples of court documents commencing legal proceedings are writ of summons, originating summons or Notice of Application to Lands Tribunal. A letter from a lawyer is not a court document.

Section 26A

Q224 : Is the requirement about posting of information about legal proceedings applicable to those proceedings initiated in the Lands Tribunal and High Court only? How about those rather simple litigation in the Small Claims Tribunal?

A : The requirement is applicable to all legal proceedings. There is no exception for proceedings commenced in Small Claims Tribunal.

Section 26A

Q225 : What if the OC does not need a legal representative? Does the OC need to notify the owners in such cases?

A : Yes. No matter whether the OC engages a legal representative or not, it has to notify the owners of any legal proceedings to which the OC is a party.

Section 26A

Q226 :

If an OC becomes a third party to a legal action, does it have to notify the owners of the legal proceedings under section 26A of the BMO?

A :

Yes. The OC is a party to the legal proceedings in this case and thus have to notify owners in accordance with section 26A of the BMO. Section 26A

Q227 :

If a member of an MC becomes a party to a legal proceeding, does he have to notify the owners?

A :

No, there is no such requirement in the BMO.