

10. Meetings of Owners referred to under Schedule 8 to the BMO

Q241 : Is Schedule 8 applicable to all buildings?

A : The provisions in Schedule 8 shall be impliedly incorporated into every DMC if they are consistent with the DMC. Section 34F

Q242 : If the provisions with regard to the meetings of owners under Schedule 8 to the BMO are contrary to DMC provisions, then should the owners follow DMC or BMO provisions?

A : Provisions in Schedule 8 shall be impliedly incorporated into the DMC only if they are consistent with the DMC. Thus, if the provisions are contrary to the DMC provisions, the owners should follow DMC provisions. Section 34F

Q243 : Who can convene a meeting of owners under Schedule 8 to the BMO?

A : A meeting of owners may be convened by –
(a) the owners' committee;
(b) the manager; or
(c) an owner appointed to convene such a meeting by the owners of not less than 5% of the shares in aggregate. Para 8 of Sch. 8

Q244 : How can owners appoint a convenor under paragraph 8(c) of Schedule 8 to the BMO?

A : There is no rigid rule to regulate how the decision of appointing a convenor should be made under paragraph 8(c) of Schedule 8 to the BMO. The owners may do so by holding a meeting amongst themselves or by a letter of authorization signed by the owners. The key is that the convenor must be appointed by all the owners of not less than 5% of the shares in aggregate in order to fulfill the legal requirement under paragraph 8(c) of Schedule 8. Para 8 of Sch. 8

Q245 :

Who shall preside over a meeting of owners convened in accordance with Schedule 8 to the BMO?

A :

If the meeting of owners is convened by the owners' committee, then the chairman of the owners' committee shall preside over the meeting.

If the meeting of owners is convened under paragraph 8(b) or (c) of Schedule 8, then it shall be presided over by the person convening the meeting, i.e. the manager or an owner appointed by the owners of not less than 5% of the shares in aggregate.

Para 12 of Sch. 8

Q246 :

What is the quorum requirement for the meetings referred to under Schedule 8 to the BMO?

A :

The quorum requirement stipulated under Schedule 8 is as follows –

Types of meetings	Quorum
Meetings of owners	10% of owners
Meetings of owners' committee	The greater of – (a) 50% of the members of the owners' committee; or (b) 3 such members

Section 5B, para 4 and 11 of Sch. 8 and Sch. 11

The quorum should be counted in terms of the number of owners, without regard to the shares owned by the owners.

Q247:

For meetings of owners convened in accordance with Schedule 8 to the BMO, are the owners required to use the statutory form provided in the BMO in appointing proxy?

A :

Yes, the instrument appointing a proxy shall be in the form set out in Form 1 in Schedule 1A to the BMO. The form shall be signed by the owner. If the owner is a body corporate, then the form shall be impressed with the seal or chop of that body corporate and signed by a person authorized by that body corporate in that behalf.

Para 14(1) of Sch. 8

Q248 :

If an owner wants to appoint a proxy to attend a meeting of owners convened in accordance with Schedule 8 to the BMO, whom shall he deliver the proxy instrument to?

A :

The proxy instrument shall be lodged with the chairman of the owners' committee at least 48 hours before the time for the holding of the meeting.

Para 14(2) of
Sch. 8

If the meeting is convened under paragraph 8(b) or (c) of Schedule 8, then the instrument shall be lodged with the person convening the meeting, i.e. the manager or an owner appointed by the owners of not less than 5% of the shares in aggregate.

