

Developer pleaded guilty for failing to comply with an award issued

SIBU: A property development company director has been sentenced to a fine for failing to comply with an award issued by the Tribunal for Housing Purchaser Claims Sarawak in favour of a house buyer.

The 68-year-old developer pleaded guilty to a charge under Section 53(1) of the Housing Development (Control and Licensing) Ordinance 2013 (Cap.69) for failing to comply with an award issued by the Tribunal for Housing Purchaser Claims Sarawak dated Feb 27, 2024.

According to the facts of the case, a purchaser surnamed Tie lodged a complaint with the tribunal after the developer failed to deliver vacant possession of her house within the timeframe stipulated in the sale and purchase agreement.

Following a full hearing, the tribunal awarded Liquidated Ascertained Damages (LAD) amounting to RM76,632.82 together with interest at eight per cent per annum, to be paid by the developer within the specified period.

However, the company failed to comply with the award.

The developer who was unrepresented, told the court he was remorseful for the offence and sought a lenient fine, citing financial difficulties faced by the company in 2024.

He said instalment payments had been made to the purchaser and that the final balance was expected to be settled by the end of the month.

Magistrate Romario Jono after considering that the company had failed to comply with the tribunal's award since 2024 sentenced him to a fine of RM3,500, in default levy against the company.

Prosecuting Officer Simon Engka Crown from the State Attorney-General's Chambers Sarawak appeared for the prosecution.

Section 53 of the ordinance makes it an offence to disregard tribunal awards, carrying a penalty of up to RM5,000, two years' imprisonment or both.

Continued non-compliance may also result in additional daily fines.

Meanwhile, Section 58 of the ordinance provides for heavier penalties in cases involving abandoned housing projects.