

**CENTRE OF STUDIES
BUILDING SURVEYING
FACULTY OF ARCHITECTURE, PLANNING AND SURVEYING
UNIVERSITI TEKNOLOGI MARA**

**EFFECTIVENESS OF COMMISSIONER OF BUILDING (COB) IN
STRATIFIED RESIDENTIAL MANAGEMENT**

**MOHD 'AFI BIN LOKMAN
(2009156275)**

**Academic Project submitted in partial fulfillment of the requirements
for the degree of
Bachelor of Building Surveying (Hons)
Centre of Studies in Building Surveying
Faculty of Architecture, Planning & Surveying**

July 2012

ACKNOWLEDGEMENT

First of all, I would like to say my highest gratitude to Allah S.W.T because I manage to complete this research on time as the requirement in completing my Bachelor in Building Surveying.

Besides that, it is my pleasure to give a big thanks to my supervisor Sr. Dr. Nor Rima Binti Muhamad Ariff for guiding and helping me throughout this research. No words can express my gratitude for her patience in reading, comments, discussion and suggestions.

I also would like to give a big thanks to my family especially my beloved parents Lokman Abdullah and _____ who had supported me in terms of motivation, expenses and times in helping me upon the completion of this research.

Last but not least I would like to give my appreciation to all of my friends that have been helping me a lot in completing this research. Not to forget the officers in the Commissioner of Building (COB) unit of MBSA, MBPJ and MPSJ and all of the respondents that have been participated in my research. Thank you.

ABSTRACT

The increase in demand for housing and the scarcity of land for development of landed residential properties in major urban areas in Malaysia has resulted in the rapid development of high-rise residential schemes in these high-density areas. Categorized as stratified residential, the homeowners are subject to the Strata Title Act 1985 (Act 138) and the Building and Common Property Act (Maintenance and Management) 2007 (Act 663). They have collective roles and responsibilities for the management and maintenance of their residential.

In 2007 the government had introduced the Building and Common Property (Maintenance and Management) 2007 (Act 663) to streamline matters relating to maintenance and management of buildings and common property. The Act 663 had introduced a new entity which is the Commissioner of Building (COB). COB appointed by the State and related authorized under Act 663 for the charge of the administration of this Act and Part VI and VII of the Act 318 and the exercise of any conferred upon it by Act 318.

However, it gives the Commissioner of Building (COB) so many duties, but does not have the power of a Consumer Tribunal in handling down judgements. Moreover, although the Act 663 was intended to help purchasers but it is a double-edged sword as the Joint Management Body (JMB) can now be jailed or fined heavily for offences. Furthermore, the COB was not fully equipped, both logically and administratively to handle such a mammoth task.

The aim of this study is to investigate the effectiveness of the COB in enforcing the related acts and monitored the management of the stratified residential. In achieving this aim's, three objectives had been outlined. The first objective is to identify the roles of the COB in enforcing the related act to the stratified residential. The second objective is to investigate the effectiveness of the COB in enforcing the related acts and monitored the management of the stratified residential. Whereas the third objective is to propose solutions for the COB in increasing their effectiveness in monitoring the management of stratified residential.

Descriptively, this study identifies most of the respondents hold a diploma as their highest education level and most of the respondents are quite experience in the housing maintenance and management. In terms of the residential, most of the owners organisation is Joint Management Body that has been established for 2 years to 5 years. Moreover majority of this residential are in the age of 5 years to 10 years. Most of the respondents familiar with the

TABLE OF CONTENT

ACKNOWLEDGEMENT	i
ABSTRACT	ii
LIST OF TABLES	iv
LIST OF FIGURES	v
LIST OF ABBREVIATIONS	vi
CHAPTER 1	PAGE
1.1 Introduction.....	1-2
1.2 Problem Statements.....	2-3
1.3 Objectives.....	3
1.4 Scope and limitations.....	3
1.5 Research methodology.....	4
1.5.1 Primary data.....	4
1.5.2 Secondary data.....	4
1.6 Chapter outline.....	5
CHAPTER 2	
2.1 Introduction.....	6
2.2 The Acts.....	6
2.2.1 Development Housing (Control and Licensing) Act 1966 (Act 118).....	7-11
2.2.2 Strata Titles Act 1985 (Act 318).....	11-14
2.2.3 Building and Common Property (Maintenance and Management) Act 2007 (Act 663).....	14-17
2.2.4 Loopholes in Act 118 and Act 318.....	17-18
2.3 High rise residential building.....	19-20
2.4 Stratified housing maintenance management.....	20-22
2.4.1 Joint Management Body.....	22-23
2.4.2 Joint Management Committee.....	23
2.4.3 Management Corporation.....	23-25
2.4.4 Parcel owners.....	25-26

CHAPTER 1

1.1 Introduction

There is a lot of uncertainty pertaining to the Building and Common Property (Maintenance and Management) Act, 2007 (Act 663) and industry players, including purchasers, want it to be further fine-tuned. The new Building and Common Property (Maintenance and Management) Act 2007 (Act 663) was gazetted on April 12, 2007. The Act is aimed at plugging loopholes and grey areas not covered by the Strata Titles Act.

All stratified properties, including low-cost flats, apartments, condominiums, town houses, shopping complexes, industrial buildings, shop offices and gated communities, fall under the Act 663. Under the Act 663, the roles of the developers, buyers (parcel owners) and Management Corporations (MC) are clearly defined and three new bodies were introduced to implement proper building maintenance, namely the Joint Management Body (JMB), the Commissioner of Buildings (COB) and Managing Agent (MA). (Ministry of Housing and Local Government, 2007)

The State Authority and the Local Authority have the jurisdiction in enforcing the Act. In order to ensure the implementation and the effectiveness of the Act, the Federal Government has recruited COB officer to be located in the Local Authority area.

The COB is a new authority established by the Government due to the Act 663 to oversee and enforce the Act. Starting from 2007, the COB has specific powers and responsibilities in the initial, interim and final phases of a building's maintenance and management.

In the initial phase of a building's maintenance, the COB has the power to resolve disputes that arise between residents, management bodies and developers by appoint an approved company auditor (if necessary) to investigate the books, accounts and transactions of the development, and to allow a request by the developer for an extension to submit audited accounts.