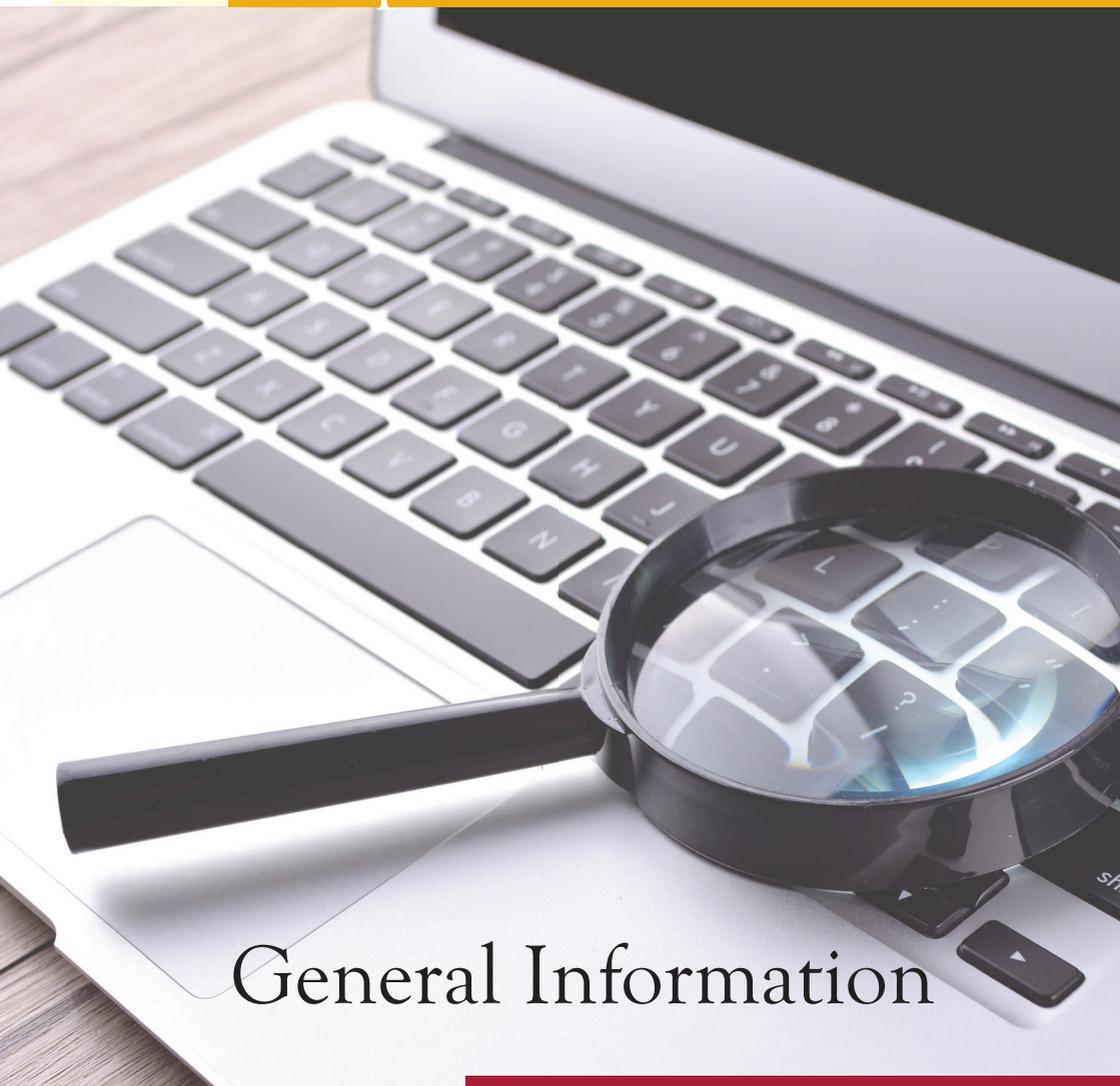


Chapter 1



General Information

(A) Overview of Community Disputes Resolution Tribunals (CDRT)

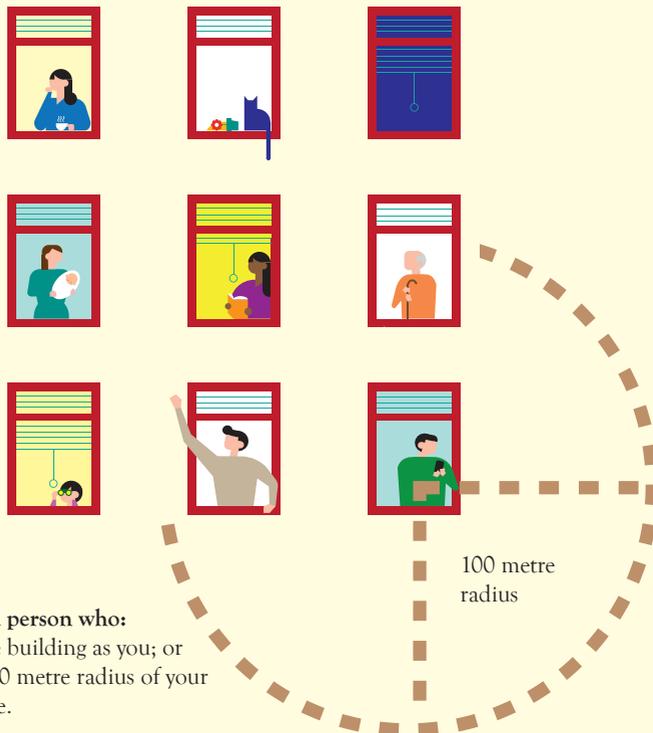
Background

The Community Disputes Resolution Act (CDRA) creates a new statutory tort of interfering with the enjoyment or use of places of residence. The underlying principle is that no person should cause unreasonable interference with his neighbour's enjoyment or use of that neighbour's place of residence.

The CDRA also establishes the Community Disputes Resolution Tribunals (CDRT) as part of the State Courts to hear cases under the CDRA.

The CDRA only applies to acts committed on or after the date it came into force (1 October 2015).

Who is my neighbour?



Your neighbour is a person who:

- Lives in the same building as you; or
- Lives within a 100 metre radius of your place of residence.

Your neighbour does NOT include a person who lives in the same place of residence as you.

(A) Overview of Community Disputes Resolution Tribunals (CDRT) (cont'd)

Examples of interference



Trespassing on your place of residence;

Causing excessive noise, smell, smoke, light or vibration;



Conducting surveillance on you or your place of residence, where the surveillance is done at or in the vicinity of your place of residence;



Littering at or in the vicinity of your place of residence;

Interfering with your movable property;



Obstructing your place of residence;



Allowing his animal to trespass on your place of residence, to cause excessive noise or smell, or to defecate or urinate at or in the vicinity of your place of residence.



(A) Overview of Community Disputes Resolution Tribunals (CDRT) (cont'd)

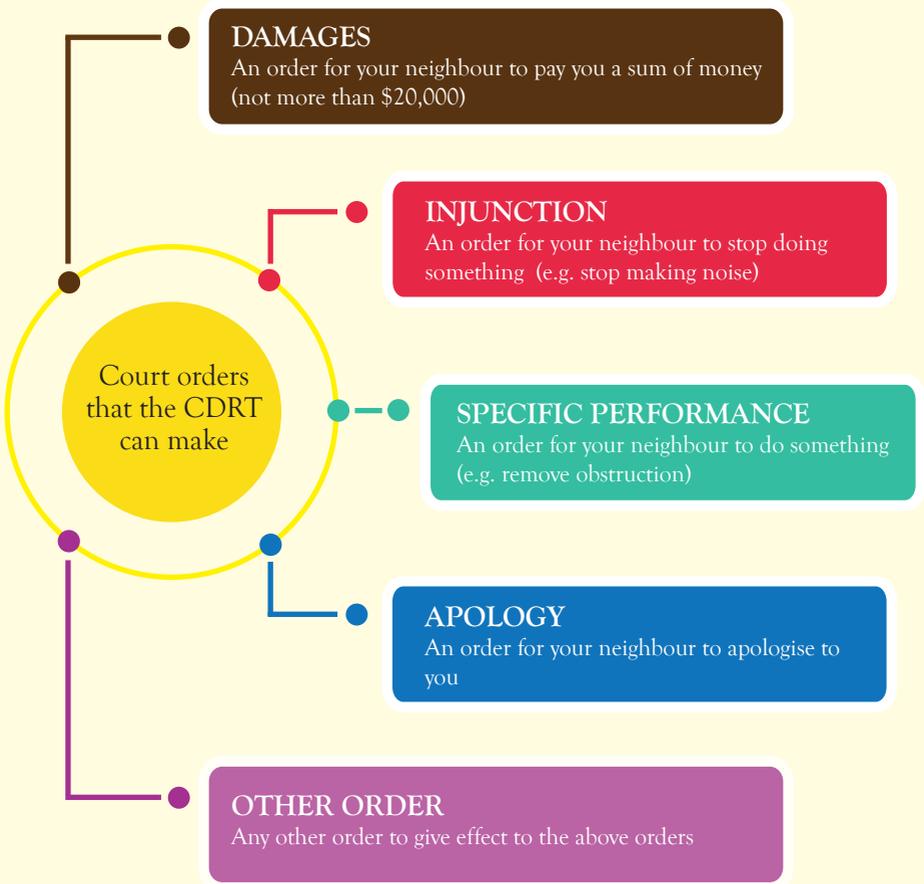
Evidence that may be brought before the CDRT

You will need to present proof (or evidence) to support your claim. The proof can be in written form, photographs, pictures, or audio/video recordings.



(A) Overview of Community Disputes Resolution Tribunals (CDRT) (cont'd)

Court orders that the CDRT can make



(B) Before filing a Claim – Self-help remedies

Neighbours should consider starting proceedings in the CDRT only after all self-help options, including community mediation, have been attempted and exhausted.

Initiating proceedings in the CDRT against your neighbour should always be the last option unless all other means of resolving the dispute have not been effective.

To better understand the self-help options that are available to you, you may wish to refer to the following websites:

Guidelines on Resolving Neighbour Disputes

The Community Dispute Management Framework

https://www.mccy.gov.sg/en/Topics/Community/Articles/Community_Dispute.aspx

Guidelines for Resolving Disputes Between Neighbours

https://www.mccy.gov.sg/en/Topics/Community/Articles/Resolving_Neighbourly_Disputes.aspx

Mediation

Community Mediation Centre (CMC)

<https://www.mlaw.gov.sg/content/cmc/en.html>

Assistance from People's Association

Legal Advice Service

<https://www.pa.gov.sg/our-network/community-clubs/legal-advice-service>

Assistance from Town Councils

www.towncouncils.sg

Assistance from Relevant Government Agencies

Agri-Food & Veterinary Authority of Singapore (AVA)

Building and Construction Authority (BCA)

Housing & Development Board (HDB)

Land Transport Authority (LTA)

National Environment Agency (NEA)

PUB, The National Water Agency (PUB)

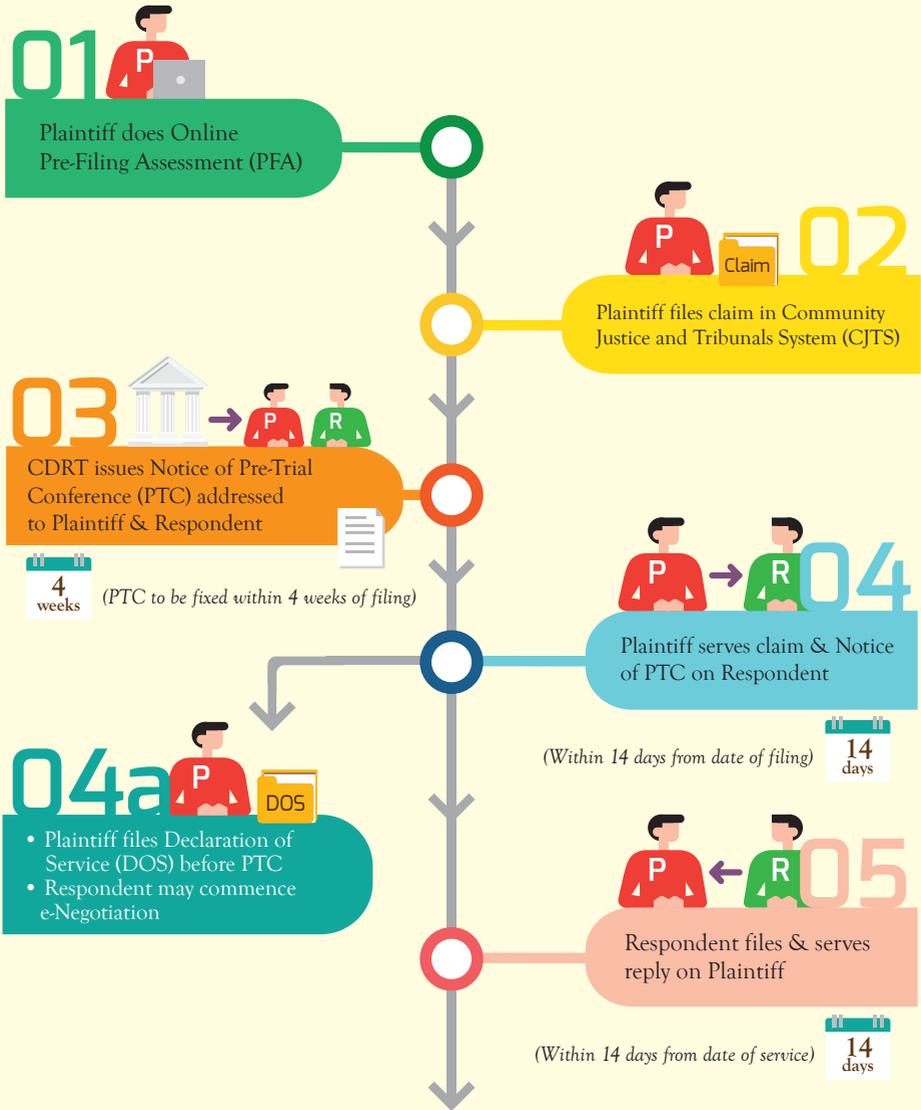
Urban Redevelopment Authority (URA)

Singapore Police Force (SPF)

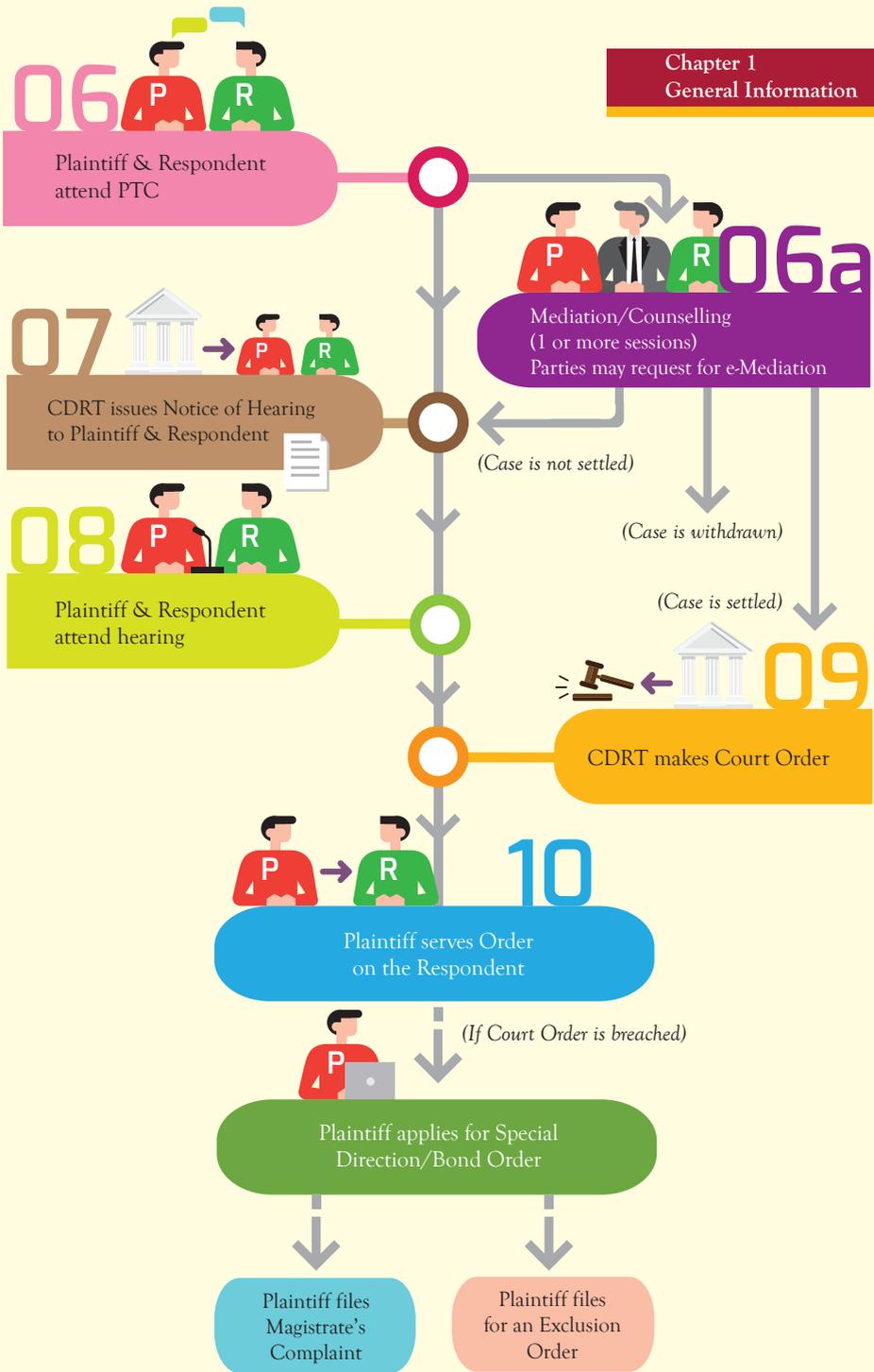
Singapore Civil Defence Force (SCDF)



(C) Community Disputes Resolution Tribunals Process Flowchart



(continued next page)



(D) Features of CDRT

The CDRA prescribes certain unique features for proceedings in the CDRT which are meant to simplify the processes, ensures that fees are affordable and enables members of the public to represent themselves in the proceedings without the assistance of lawyers.

PRE-FILING ASSESSMENT

A plaintiff is required to log on to the State Courts online electronic filing system (“CJTS”) at website www.statecourts.gov.sg/CJTS/ and undergo a pre-filing assessment before lodging any claim.

PRESENT YOUR OWN CASE

Lawyers are not allowed to represent a party to the proceedings (section 29(3)). The only exception is when all parties to the proceedings agree for a party to be represented by a lawyer and the CDRT gives permission (section 29(3)(b)).

As a general rule, a party to the proceedings must present his or her own case during the CDRT proceedings (section 29(1)). There are, however, some exceptions to this general rule. A party to the proceedings may be represented by another person in the following situations, provided that the CDRT is satisfied that the person has sufficient knowledge of the case and sufficient authority to bind the party whom he represents (section 29(5)):

(D) Features of CDRT *(cont'd)*

SITUATION

The party is below 21 years old; and
The CDRT is of the opinion that he is
unable to present his own case.
(Section 29(2)(a))

Who can represent the party?

- The party's parent;
- The party's guardian; or
- A person who is approved by the CDRT.

SITUATION

The party is not living in Singapore;
and the party is unable to remain in
Singapore until the hearing of the case.
(Section 29(2)(b))

Who can represent the party?

A person:

- who is authorised in writing by the party; and
- who is approved by the CDRT.

SITUATION

The CDRT is of the opinion that the
party is unable to present his own case
because he is:
- old;
- illiterate;
- mentally ill; or
- physically ill.
(Section 29(2)(c))

Who can represent the party?

- A person who is authorised in writing by the party; or
- A person who is approved by the CDRT.

(D) Features of CDRT *(cont'd)*

PRIVATE PROCEEDINGS

All proceedings in the CDRT are heard in camera (section 22(1)). This means that only the parties to the proceedings and the witnesses who have been called to give evidence in the proceedings are allowed to be present. Unless the Tribunal Judge orders otherwise, the following persons are not allowed to be present during the proceedings:

- a) Members of the press;
- b) Members of the public; and
- c) Immediate family members, relatives and friends of the parties to the proceedings who are not parties to the proceedings and have not been called to give evidence in the proceedings.

SIMPLIFIED EVIDENTIAL RULES

The CDRT is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit (section 23(1)).

Evidence tendered to the CDRT by or on behalf of a party to any proceedings need not be given on oath but the CDRT may, at any stage of the proceedings, require that the evidence or any part of it be given on oath whether orally or in writing (section 23(2)), or be verified by statutory declaration (section 23(4)).

(D) Features of CDRT (cont'd)

SIMPLIFIED METHODS OF SERVICE

Documents that are used in the CDRT proceedings can be served on the other party in the following simplified ways:

	METHOD OF SERVICE	EXPLANATION
	Personal service	Handing the documents to the party to be served
	Registered post to the residential address, registered address or address of the person's principal place of business, as notified to ACRA	Posting the documents to the address of the party to be served
	By submitting through the electronic system	Serving electronically via the Community Justice & Tribunals System (CJTS) where the other party has been notified of the right to access CJTS
	As directed by the CDRT	In a manner that is directed by the CDRT

COMPULSORY COUNSELLING AND MEDIATION

At any point during the proceedings, the CDRT can order parties to the proceedings to attend counselling by a court counsellor or external counsellor, or mediation at the Community Mediation Centre or before any other mediator. A party who fails to comply with the order to attend counselling or mediation commits contempt of court, and may be fined or imprisoned.

(D) Features of CDRT (cont'd)

COSTS AND DISBURSEMENTS

Other than disbursements, the CDRT will generally not grant costs to or award costs against any party to any proceedings in the CDRT (section 25). The only exception is where:

- a) The whole or any part of a claim is struck out or dismissed on the ground that the whole or part of the claim is frivolous or vexatious or is an abuse of the process of the CDRT; or
- b) The CDRT is of the view that it is just and equitable to do so.

2-Year Limitation Period for Claims

All CDRT claims must be filed within 2 years from the date the cause of action accrued (section 17(3)). A cause of action is the fact or facts which entitles you, in law, to start a court action against the neighbour respondent. You may file a claim in the civil courts, e.g. at the Magistrate's courts if the cause of action accrued more than 2 years ago.

Maximum \$20,000 Monetary Claims

The maximum monetary claim that can be brought in the CDRT is \$20,000 (section 17(5)). You may file a claim in the civil courts, e.g. at the Magistrate's courts if you are claiming more than \$20,000 from the neighbour respondent.

(E) Instructions in Filing Documents And Evidence

1

Every page must be paginated (i.e. numbered) consecutively, with the page number stated at the top right hand corner of the page.

2

All documents which are not written in English must be accompanied by an official translation into English.

3

Where the evidence is in the form of audio or video recordings (including CCTV recordings):

- (i) the recordings must be saved in a CD-R or DVD-R, which is labelled in the following format:

[Party's name]-[CD-R or DVD-R Number]

E.g. [Tan Ah Teck Joseph]-[CD1]
[Tan Ah Teck Joseph]-[DVD1]

- (ii) each recording must be saved under a file name in the following format:

[Date of recording in Date Month Year format]-[Actual time that recording started in HH-MM-SS format]-[Short description of what the recording is meant to show]

E.g. [05 June 2016]-[23-11-00]-[Spitting]
[10 June 2016]-[09-07-00]-[Scolding vulgarities]

(E) Instructions in Filing Documents And Evidence *(cont'd)*

(iii) the important part(s) of each recording that the party wishes to bring to the Tribunal Judge's attention must be identified and transcribed in the following format in the Claim/Application/Reply:

DVD Label	File name of recording	Time location within recording [HH:MM:SS] to [HH:MM:SS]	Transcript*
[Tan Ah Teck Joseph]-[DVD1]	[05 June 2016]-[23-11-00] -[Spittingzg]	Actual time: [23:11:23] to [23:11:30] or Recording time: [01:05:22] to [01:05:25]	Respondent spits along the common corridor
[Tan Ah Teck Joseph]-[DVD2]	[10 June 2016]-[09-07-00] -[Scolding vulgarities]	Actual time: [09:10:22] to [09:12:50] or Recording time: [00:35:21] to [00:40:23]	Respondent stands outside Plaintiff's flat and scolds Plaintiff vulgarities ("state exact words")

- (iv) a transcript of the important part(s) of the audio or video recording must be prepared to state the action that is seen, the exact words that are used, the sounds that are heard etc.
- (v) where the words that are used in the audio or video recording are not in English, an official translation of the words into English must be provided.
- (vi) screenshots of the important frame(s) in the video recording to support what is stated in the transcript must be provided.

IMPORTANT: DOCUMENTS AND EXHIBITS WHICH DO NOT COMPLY WITH THESE INSTRUCTIONS MAY BE REJECTED BY THE CDRT.