

# Chapter 2

## CDRT Proceedings



## (A) Filing a Claim or Reply

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Legal proceedings are commenced in the CDRT when a plaintiff files a claim against a respondent (section 4). Please see below for a step-by-step process on filing a claim in the CDRT.

STEP  
1

Consider whether your neighbour has interfered with your enjoyment or use of your place of residence according to the CDRA.

STEP  
2

Gather the necessary **evidence** to support your case.

STEP  
3

For the purpose of the proceedings, you will be known as the Plaintiff and your neighbour will be known as the Respondent.

STEP  
4

Upon filing the application in CJTS, a **Notice of Pre-Trial Conference** will be generated in CJTS and issued to the Plaintiff and the Respondent to attend a Pre-Trial Conference at the CDRT on a specified date and at a specified time.

STEP  
5

Within 14 days after the Claim is filed, the Plaintiff must serve one (1) set of the claim and one (1) set of the supporting evidence on the Respondent.

E.g. If the Plaintiff files the Claim on 5 February 2018, the Plaintiff must serve one (1) set of the claim and one (1) set of the supporting evidence on the Respondent by 19 February 2018 which is the last day to serve the documents.

STEP  
6

Before the date and time fixed for the Pre-Trial Conference at the CDRT, the Plaintiff must file a **Declaration of Service** in CJTS.

### (A) Filing a Claim or Reply (cont'd)

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STEP  
**7a**

If the Respondent intends to object to or contest the claim, the Respondent has 14 days after being served with the claim and the supporting evidence to file his **Reply**, together with the supporting evidence, in CJTS.

E.g. If the Respondent receives the claim and the supporting evidence from the Plaintiff on 11 February 2018, the Respondent must file his Reply, together with the supporting evidence, by 25 February 2018 at the latest. If the last day of the period is a Sunday or a Public Holiday, the period will include the next working day.

STEP  
**7b**

Alternatively the Respondent may wish to consider resolving the matter via e-Negotiation in CJTS.

STEP  
**8**

Within the same 14-day period, the Respondent must serve one (1) set of the Reply and one (1) set of the supporting evidence on the Plaintiff.

STEP  
**9**

If parties are not able to explore a resolution via e-Negotiation in CJTS, the Plaintiff and the Respondent must attend the Pre-Trial Conference at the CDRT on the specified date and the specified time.

Things to bring:



1. National Registration Identity Card  
(for Singapore citizen/Permanent Resident)



2. Passport and Employment Pass (for foreign citizen)



3. One (1) set of the Claim, Reply and supporting evidence

4. Notice of Pre-Trial Conference



### (A) Filing a Claim or Reply *(cont'd)*

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The Tribunal Judge can make the following orders during a Pre-Trial Conference:

1. Order the Plaintiff and the Respondent to attend mediation
2. Order the Plaintiff and/or the Respondent to attend counselling
3. Schedule another Pre-Trial Conference
4. Fix the case for hearing

STEP  
10

Where the Tribunal Judge has fixed the case for hearing, a Notice of Hearing will be issued to the Plaintiff and the Respondent to attend the hearing at the CDRT on a specified date and time.

STEP  
11

The Plaintiff and the Respondent must attend the hearing at the CDRT on the specified date and time.

Things to bring:



1. National Registration Identity Card  
(for Singapore citizen/Permanent Resident)



2. Passport and Employment Pass (for foreign citizen)



3. One (1) set of the Claim, Reply and supporting evidence

4. Notice of Pre-Trial Conference



If a Court Order is made, the Plaintiff is to extract the Court Order and serve a copy on the Respondent.

## (B) Enforcing CDRT Orders

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### (i) APPLYING FOR A SPECIAL DIRECTION

The Plaintiff may consider applying for a Special Direction against the Respondent (section 6). A Special Direction is a direction by the CDRT to the Respondent to comply with the order that has been made against him within a specified time. A Respondent who, without reasonable excuse, fails to comply with a Special Direction commits an offence and shall be liable on conviction to a fine up to \$5,000 or to imprisonment of up to 3 months or to both (section 7(1)).

### (ii) APPLYING FOR A PERSON TO ENTER INTO A COMPLIANCE BOND

The Plaintiff may, at the same time as applying for a Special Direction, apply for a third party to enter into a Bond to ensure that the Respondent complies with the Special Direction (section 6(3)). The application is to be served on the third party to attend the proceedings and be heard before deciding whether to order him or her to enter into a Bond (section 6(5)). The CDRT may, in making an order for a third party to be bonded, impose conditions or give directions to the third party (section 6(4)). A party who fails to comply with a court order to enter into a Bond commits an offence and shall be liable on conviction to a fine of up to \$2,000 (section 6(7)).

If the Respondent fails to comply with the Special Direction, the CDRT will arrange for the third party to show cause why his Bond should not be forfeited. If cause is shown (i.e. the third party has provided sufficient explanation), the Bond may not be forfeited in full. If cause is not shown, the bond will be forfeited in full.

**(B) Enforcing CDRT Orders** *(cont'd)*

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**(iii) APPLYING FOR AN EXCLUSION ORDER**

In the event that the Respondent still does not comply with the Special Direction, the Plaintiff may consider applying for an Exclusion Order against the Respondent (section 9). An Exclusion Order is an order by the CDRT that the Respondent be excluded from his or her place of residence. In deciding whether it is just and equitable (section 5(2)) for an exclusion order to be made, the CDRT must consider all of the following matters (section 9(4)):

- a) The impact of the order on the Respondent;
- b) The impact of the order on any person who, at the time of the making of the order, resides in the Respondent's place of residence;
- c) The impact of the order on any other person who can reasonably be expected to be affected by the order; and
- d) Any other matters as the court deems fit.

A Respondent who, without reasonable excuse, fails to comply with an Exclusion Order commits an offence and shall be liable on conviction to a fine up to \$5,000 or to imprisonment of up to 3 months or to both (section 10(1)).

Instead of a fine or imprisonment, the court also has the discretion to make a Community Order against the Respondent. The Respondent may, alternatively, be punished for Contempt of Court.

**(B) Enforcing CDRT Orders** *(cont'd)*

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**(iv) CONTEMPT OF COURT**

The Respondent may be punished for Contempt of Court. The fundamental purpose underlying the law relating to contempt of court in general is to ensure that public confidence in the administration of justice is not undermined. The court may sentence the Respondent to both a fine as well as imprisonment.

## (C) Appeals

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### (i) APPEALS FROM ORDER OF CDRT REGISTRAR

Rule 15 of the CDRA Rules provides that an appeal may be made to a Tribunal Judge from any judgment, order or direction of the Registrar. The appeal is brought by serving on the other party a notice filed in the relevant form to attend before the Tribunal Judge.

Unless the Court otherwise orders, the notice must be issued within 14 days after the judgment, order or direction appealed against was given or made and served on all other parties within 7 days of it being issued. Except so far as the Court may otherwise direct, an appeal under this Rule shall not operate as a stay of the proceedings in which the appeal is brought.

### (ii) APPEALS TO HIGH COURT

An appeal can be made to the High Court against a decision, a direction or an order of a CDRT:

- (a) On any ground involving a question of law;
- (b) On the ground that the claim was outside the jurisdiction of the tribunal;
- (c) Made under section 6(2) (i.e. Special Direction);
- (d) Made under section 6(3) (i.e. Bond);
- (e) Made under section 9(2) (i.e. Exclusion Order); or
- (f) A final order (i.e. an order that finally disposes of the case).

Such an appeal can be made to the High Court only if the CDRT has given leave to do so. The CDRT's order giving or refusing leave to appeal is final and is not subject to any appeal.



**(C) Appeals** *(cont'd)*

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**(iii) APPLICATION FOR LEAVE  
TO APPEAL**

An application for leave to appeal against a decision, a direction or an order of the CDRT must be made in the relevant form and must be filed within 14 days after the date on which the decision, direction or order was given or made. The Appellant must serve the application on the Respondent within 7 days after the date on which the application is filed.

A Respondent who intends to contest the application must file and serve on the Appellant a reply in the relevant form within 14 days after being served with the application. Where any party does not appear at the hearing of the application for leave to appeal, the CDRT hearing the application may dismiss the application or make such orders as the tribunal thinks fit.

**(iv) IF LEAVE TO APPEAL IS  
GRANTED**

An Appellant who obtains leave to appeal from a CDRT must file and serve a notice of appeal in the relevant form within 14 days after the date on which such leave is given. An appeal to the High Court from the CDRT is by way of rehearing. The Appellant must, at the time of filing the notice of appeal, provide security for the Respondent's costs of the appeal in the sum of \$2,000.