

Chapter 4



Frequently Asked Questions

Frequently Asked Questions

1

What will the CDRT consider in deciding whether to make a court order and what court order to make?

The CDRT will consider:

1. Whether the claim has been made out against your neighbour on a balance of probabilities; and
2. Whether it is just and equitable for an order to be made.

In deciding whether it is just and equitable for the court order to be made, the CDRT will consider:

1. The impact of the order on your neighbour;
2. The impact of the order on any person who resides in your neighbour's place of residence at the time the order is made;
3. The impact of the order on any other person who can reasonably be expected to be affected by the order;
4. The ordinary instances of daily living that can be expected to be tolerated by reasonable persons living in Singapore; and
5. Any other matters as the CDRT deems fit.

Frequently Asked Questions (cont'd)

2

What can I do if my neighbour refuses to comply with the court order?

What happens when my neighbour refuses to comply with:

What action can I take under CDRA?

Court order

Apply for a Special Direction for your neighbour to comply with the court order

Special Direction

File a Magistrate's Complaint against your neighbour to privately prosecute him for breach of the Special Direction under Section 7(1) of the CDRA; or

Start contempt of court proceedings against your neighbour; or

Apply for an Exclusion Order against your neighbour

Exclusion Order

File a Magistrate's Complaint against your neighbour to privately prosecute him for breach of the Exclusion Order under Section 10(1) of the CDRA; or

Start contempt of court proceedings against your neighbour

Frequently Asked Questions (cont'd)

3

What can I do if I know my neighbour's address but do not know my neighbour's name?

You can conduct an ownership search based on your neighbour's address at the following websites:

Income Tax Revenue Authority of Singapore website:

e-Valuation List

(<https://mytax.iras.gov.sg/ESVWEB/default.aspx?target=PTEVLListIntro>)

Singapore Land Authority website:

Integrated Land Information Service

(<https://www.sla.gov.sg/inlis/>)

Please note that these websites provide the name of the legal owner and not the name of the tenant(s) that the legal owner may have leased the property to.

Frequently Asked Questions *(cont'd)*

4

I am a bankrupt. Can I file a Claim or a Reply?

You can file a Claim or a Reply provided you have obtained the previous sanction of the Official Assignee under section 131(1)(a) of the Bankruptcy Act.

Bankruptcy Act (Cap. 20)

Disabilities of bankrupt

131.– (1) Where a bankrupt has not obtained his discharge –

- (a) he shall be incompetent to maintain any action, other than an action for damages in respect of an injury to his person, without the previous sanction of the Official Assignee; and
 - (b) he shall not leave, remain or reside outside Singapore without the previous permission of the Official Assignee.
- (2) A bankrupt who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

*The sanction has to be uploaded under Other Supporting Documents of the Claim or the Reply.

Frequently Asked Questions *(cont'd)*

5

Why is the first Pre-Trial Conference fixed in 4 weeks from date of filing a Claim?

Rule 5(2) states that the Plaintiff has 2 weeks after filing the Claim and supporting evidence to serve the documents on the Respondent.

Rule 5(4) states that the Respondent has 2 weeks after being served to file a copy of the Reply and supporting evidence and serve a copy of the documents on the Plaintiff.

Therefore, the Pre-Trial Conference date will be fixed in 4 weeks from date of filing a Claim.

6

What if the Respondent does not attend Pre-Trial Conference?

The CDRT may grant a default order in the absence of the Respondent.

Frequently Asked Questions *(cont'd)*

7

Is it compulsory to attend mediation?

It is compulsory to attend any mediation that is ordered by the CDRT. You are liable for contempt of court if you are absent from mediation.

8

What happens if the dispute is settled at mediation?

If the dispute is settled, parties may sign a settlement agreement, after which the Plaintiff will withdraw the Claim. Alternatively, parties may request the CDRT to record the settlement terms into a consent order.

9

What happens if the dispute is not settled at mediation?

The Plaintiff and Respondent are to attend a Pre-Trial Conference for further directions.

Frequently Asked Questions (cont'd)

10

What do I need to prepare for the CDRT hearing?

You will need to follow the CDRT's directions to prepare for the hearing.

11

What if my witness refuses to attend the CDRT hearing?

You may make an application to the CDRT to order the witness to attend the hearing. This is subject to the CDRT's approval. You will have to bear the cost of the witness's attendance and testimony at the hearing, if any.

Frequently Asked Questions *(cont'd)*

12

What happens at the hearing?

The hearing will proceed as directed by the CDRT. In the usual case, the Plaintiff will give his evidence, followed by his witnesses.

After the Plaintiff and all his witnesses have given their evidence, the Respondent will give his evidence, followed by his witnesses.

The Plaintiff and Respondent will be given the opportunity to cross-examine the other party's witnesses.

At the end of the hearing, the CDRT may give its order immediately or reserve its order to be given on a different date.

13

What happens if the Respondent does not comply with the CDRT order?

The Plaintiff may take steps to enforce the CDRT order. Please refer to Chapter 2 on how to Enforce CDRT Orders.