



MINISTRY OF HOUSING
AND
LOCAL GOVERNMENT

TRIBUNAL FOR HOME BUYERS CLAIMS (TTPR)



" ENFORCE OF AN AWARD "

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THE PARTIES

There are two parties to the claim before the Tribunal, namely the purchaser/homebuyer who files the claim (“the Claimant”) and the vendor/developer against whom the claim is filed (“the Respondent”).

THE AWARD

The award is the Tribunal’s final decision on the claim filed in Form 1. It explains the Tribunal’s decision on the application made in the claim and will also explain any terms and conditions ordered by the Tribunal.

The Tribunal issues a copy of the award to both parties to the claim, whether or not a hearing was held. An award issued by the Tribunal carries the same force and weight as that of a court order and both parties will be required to comply with it.

Most terms and conditions of the Tribunal awards can be enforced through a court just like a court order. Examples of awards issued by a Tribunal are :-

Example I – Payment of Money

If the Respondent owes a certain sum of money, such as in the form of a liquidated ascertained damages (LAD), the award will specify the amount the Respondent has to pay to the Claimant.

The Tribunal’s award may require the Respondent to pay the Claimant a specific amount of money by a specific date. If the money is not

paid by that date, the award may say that interest on the money will also have to be paid. The award will specify the rate of interest to be paid.

Example II – Compliance with the sale and purchase agreement

The Tribunal’s award might require a party to comply with the Sale and Purchase agreement. The award may specify doing certain things to comply with the Sale and Purchase Agreement by a specific deadline determined by the Tribunal.

COMPLIANCE WITH THE TRIBUNAL’S AWARD.

Must the Respondent comply with the Tribunal’s award?

Yes. Failure to comply with an award of the Tribunal has serious consequences as it will amount to committing an offence under the Housing Development (Control and Licensing) Act 1966 (“ the Act”).



OFFENCE UNDER SECTION 16 AD

The failure of a Respondent to comply with an award made by the Tribunal within the period specified therein will result in the commission of an offence under section 16 AD of the Act and on conviction be liable to a **fine not exceeding Five Thousand Ringgit** or to **imprisonment for a term not exceeding two years** or to **both**.

REPORTING A NON-COMPLIANCE OF AN AWARD

A Claimant may report a non-compliance of an award to the Tribunal for the purpose of initiating the commencement of a prosecution or a committal proceeding in the court. A report is made

having jurisdiction for the award to be effected as if the award was issued by that court. Once registered, the Tribunal will send by an ordinary post a copy of the registered award to the Claimant.

ENFORCEMENT OF AN AWARD

Should the Claimant decide to enforce the award, he must apply to the court through the ordinary court procedure. This is because the enforcement of a Tribunal award is still carried out by the court. If the Claimant is not certain of the court procedure he may appoint a solicitor to act on his behalf. The procedures for carrying out the enforcement are set by the court, not by the Tribunal.

PROSECUTION OF AN AWARD

The Tribunal does not investigate complaint about offences or prosecute them. This is the responsibility of the Monitoring and Enforcement Division, Ministry of Housing and Local Government. On receiving a report of non-compliance from the Claimant, the Tribunal will notify both the Monitoring and Enforcement Division and the Legal Affairs Unit of the said non-compliance for their further action.

The Monitoring and Enforcement Division as well as the Legal Affairs Unit are not part of the Tribunal.

WHAT THE TRIBUNAL DOES NOT DO : -

1. Enforce the Tribunal’s award for or on behalf of Claimants against errant Respondents.
2. Prosecute errant Respondents for non-compliance of the Tribunal award.

“ DO NOT WAIT. ACT NOW ! ”