

PROPOSED FRAMEWORK FOR TWO TIER MANAGEMENT CORPORATION  
FOR INTEGRATED STRATA DEVELOPMENT

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PROPOSED FRAMEWORK FOR TWO TIER MANAGEMENT CORPORATION  
FOR INTEGRATED STRATA DEVELOPMENT

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## **DEDICATION**

This thesis is dedicated to my beloved family members, who always support me to help me accomplish this massive task. It is also dedicated to my beloved supervisor, who was never selfish to teach me all the best kind of knowledge. Special thanks to my Ph.D. buddy, who shared all the knowledge with me so that we could succeed together.

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## ABSTRACT

An integrated development comprises a group of different owners with different interests, resulting in management issues. Some common properties are not enjoyed or benefitted by all the owners in an integrated development. Thus, the Strata Management Act 2013 (Act 757) introduced a subsidiary management corporation to manage the designated limited common property. Even though the subsidiary management corporation was introduced into Malaysia legislation in 2013, it has been minimally implemented. Until today, One Mont Kiara is the only development that has successfully established its subsidiary management corporation in Malaysia. Therefore, this raises the research gap on the significance of the formation of the subsidiary management corporation on a stratified property and its efficacy in solving management issues. The reasons for the lack of efficiency of the established subsidiary management corporation are associated with the difficulty in obtaining comprehensive resolutions and the lack of funds in the maintenance account. Nevertheless, the establishment of a subsidiary management corporation is essential for integrated development, to clearly define the boundaries of a limited common property so that the owners can have the exclusive benefit over it. Therefore, the objectives of this research were to investigate the importance of the formation of the subsidiary management corporation, evaluate the enhancements suitable for strata property, and formulate a proposed framework for subsidiary management corporations in managing limited common property. This research employed both theoretical and empirical studies. The theoretical study defined the benefit of the subsidiary management corporation and identified issues that impeded the formation of the subsidiary management corporation; in contrast, the methodology in the empirical study applied a sequential mixed method. Ideas from the relevant authorities and specialists were first obtained for the quantitative data. This was followed by collecting qualitative data, where the relevant authorities with experience in forming and managing subsidiary management corporations were interviewed. Consequently, the quantitative and qualitative findings were integrated and explained by Ostrom's principles under the Common Pool Resources Theory. The results showed that the subsidiary management corporations significantly overcame management problems in the integrated development, and the Collective Action Theory could help encourage the formation of the subsidiary management corporations. Several improvements were proposed in the areas of legislation, regulation, institutional and administration, issues related to subsidiary management corporations, and enhancement to stratified properties. In conclusion, this study is significant in proposing a framework for a subsidiary management corporation's long-term establishment and management, and providing a two-tier management corporation system.

## ABSTRAK

Pembangunan bersepadu terdiri daripada sekumpulan pemilik petak yang memiliki manfaat yang berlainan, menyebabkan berlakunya isu pengurusan. Sesetengah harta bersama tidak dinikmati atau dimanfaatkan oleh semua pemilik petak dalam pembangunan bersepadu. Oleh itu, Akta Pengurusan Strata 2013 (Akta 757) telah memperkenalkan perbadanan pengurusan subsidiari untuk menguruskan harta bersama terhad yang ditetapkan. Walaupun perbadanan pengurusan subsidiari telah diperkenalkan dalam perundangan Malaysia sejak 2013, ia telah dilaksanakan secara minimum. Sehingga hari ini, One Mont Kiara merupakan satu-satunya pembangunan yang berjaya menubuhkan perbadanan pengurusan subsidiari di Malaysia. Oleh itu, ini meningkatkan jurang kajian tentang kepentingan penubuhan perbadanan pengurusan subsidiari ke atas pembangunan berstrata dan keberkesanannya dalam menyelesaikan isu pengurusan. Punca kekurangan penubuhan perbadanan pengurusan subsidiari yang ditubuhkan dikaitkan dengan kesukaran untuk mendapatkan ketetapan komprehensif dan kekurangan dana dalam akaun penyenggaraan. Namun begitu, penubuhan sebuah perbadanan pengurusan subsidiari adalah penting untuk pembangunan bersepadu, bagi menentukan dengan jelas sempadan harta bersama terhad supaya pemilik boleh mendapat manfaat eksklusif ke atasnya. Oleh itu, objektif kajian ini adalah untuk mengkaji kepentingan pembentukan perbadanan pengurusan subsidiari; menilai penambahbaikan yang sesuai untuk pembangunan strata; dan merangka kerangka kerja yang dicadangkan bagi perbadanan pengurusan subsidiari dalam menguruskan harta bersama terhad. Kajian ini menggunakan kajian teori dan empirikal. Kajian teori menilai manfaat perbadanan pengurusan subsidiari dan mengenal pasti isu-isu yang menghalang pembentukan perbadanan pengurusan subsidiari; sebaliknya, metodologi dalam kajian empirikal menggunakan kaedah campuran berurutan. Idea daripada pihak berkuasa dan pakar berkaitan pertama kali diperoleh untuk data kuantitatif. Ini diikuti dengan menggumpul data kualitatif, yang terdiri daripada pihak berkuasa berkaitan yang berpengalaman dalam membentuk dan mengurus perbadanan pengurusan subsidiari telah ditemu bual. Hasilnya, dapatan kuantitatif dan kualitatif telah disepadukan dan dijelaskan oleh prinsip Ostrom di bawah Teori Kepemilikan Bersama. Keputusan menunjukkan bahawa perbadanan pengurusan subsidiari berjaya mengatasi masalah pengurusan dalam pembangunan bersepadu dengan ketara, dan Teori Aksi Kolektif boleh membantu menggalakkan pembentukan perbadanan pengurusan subsidiari. Beberapa penambahbaikan telah dicadangkan dalam bidang perundangan, peraturan, institusi dan pentadbiran, isu yang berkaitan dengan perbadanan pengurusan subsidiari, serta penambahbaikan kepada pembangunan berstrata. Kesimpulannya, kajian ini penting dalam mencadangkan kerangka bagi penubuhan dan pengurusan jangka panjang perbadanan pengurusan subsidiari dan menyediakan sistem perbadanan pengurusan dua peringkat.

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## **LIST OF ABBREVIATIONS**

AGM	Annual general meeting
BMSMA	Building Maintenance and Strata Management Act
COB	Commissioner of Buildings
CPR	Common Pool Resource
CPSP	Certificate of proposed strata plan
CVI	Content validation index
DBKL	Kuala Lumpur City Hall
JKPTG	Director General of Lands and Mines
JMB	Joint Management Body
JUPEM	Department of Survey and Mapping Malaysia
KPKT	Ministry of Housing and Local Government
LCP	Limited Common Property
LLS	Licensed land surveyor
MC	Management Corporation
PA (B)	Strata Certified Plan
PTG	Director of Lands and Mines Office
REHDA	Real estate and housing developers' association
SiFUS	Certificate of Share Unit Formula
SMT	Strata Management Tribunal
SOP	Standard operating procedure
SPSS	Statistical Software for the Social Sciences
SUB-JMB	Subsidiary joint management body
SUB-MC	Subsidiary Management Corporation
SWOT	Strength, Weakness, Opportunity and Threat

## LIST OF SYMBOLS

$H_0$	Null Hypothesis
$H_1$	Alternative Hypothesis
$x$	Times
$X^2$	Chi-Square Test
$\cap$	Intersection

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# CHAPTER 1

## INTRODUCTION

### 1.1 Background of Study

Rapid development in Malaysia lead to the unsubstantial vacant land or land scarcity (Tan, 2013), particularly in the urban area. The ambition of maximising the benefits of the acquired land in the urban area cause rapid increment of price in an urban area and promote more high-rise residential (Tian, 2014; Ewing and Hamidi, 2015). High-rise development is more practical from the economic point of view (Tawil et al., 2010) and further clarified by Altmann (2014a), which implies the expansion of higher density living as an important scene for policymakers and emergent economies, in fulfilling the demand of property developments. The increasing demand in urban areas lead to the ubiquity and an increasing number of strata developments with the subdivision of property ownership in numerous countries (Christudason, 2008a; Tan and Looi, 2014) and promote strata developments with lower cost for ideal utilisation of land (Robinson, 1985). With this in mind, strata developments become very common in developed countries.

Across the globe, many individuals live or own strata title property (Altmann, 2014b). This is similar in Malaysia, which has managed to stand at par with many developed countries (Ibrahim Akoum, 2016), where strata property and affordable scheme keep on getting empowered trend of demand in Malaysia (Noorsidi, Eves and Mutalib, 2013). To put it plainly, the scenario of high-rise building is demanded and influences the price of a strata building in countries such as Australia, Singapore and Malaysia (Ammar, Ali and Yusof, 2012; Wahab et al., 2015). Nowadays, living in strata community is trendier in Malaysia, information from REHDA Institute (2018) shows more than 6 million of Malaysian, which amounting to over 20 per cent individuals are staying in strata properties, such as apartment, condominium or other high-rise property, and the residents of strata properties are relied upon to increase

constantly. As indicated by Rashidah et al. (2015), the high demand and rapid growth for high-rise stratified buildings is also influenced by the present lifestyle of the community, particularly in the first world city (Christudason, 2018). These scenarios happen due to most of the populace prefer their residential scheme is privately governed (Altmann, 2014a). In addition, another explanation of the popularity of the strata residential building is due to the practical proposition for economic, where facilities and amenities provided in the housing area and the proximity to the public utilities and workplace (Darul et al., 2018).

As referenced by Asiah and Azlinor (2013), a high-rise building will associate individuals with various interests, cultures, values, ages and background under a strata property. Therefore, the crowded residents in the high-rise building are likewise promoting the integrated development, such as the development of serviced apartment, retail, office and leisure under a strata property. Integrated development or mixed-use development is a larger scale and higher density strata development (Dredge and Coiacetto, 2011). All in all, it will be a better strategy to expand residential density through the development of compact mixed-use development or simple-mixed development (Christudason, 2004). Notwithstanding, it is more complex in managing the mixed-use development in light of the fact that various parties engaged in a strata scheme and need to assemble opinions from the owners, tenants, management committees, local authorities and stakeholders (Asiah et al., 2013).

A strata scheme is more unique contrasted with a landed property, particularly when management period after property being occupied (Che et al., 2008), due to management is required for strata property since the strata property is furnished with the integrated facilities (Rashidah et al, 2015). This phenomenon prompted the growth of the property management profession (Lawrence and Lam, 1999), because strata management professionals could provide superior governance of the strata scheme for property owners (Enoma, 2005). Subsequently, building specialists are getting higher demand because of the rapid development of multi-owned residential buildings (Gao, 2015). In the interim, better governance requires the contribution of the residents in strata management to improve the quality and the sustainability of the strata development (Ogungbile and Oke, 2015). In addition, the majority of the multi-

possession properties were regulated by rules for management practices and responsibilities. This is described under Ostrom's principle, a collective choice arrangement, where the influenced parties can participate to modify the rules. In addition, some legal frameworks can likewise be created to promote the satisfaction of community living (Sherry, 2009), therefore, more researches for legal framework are important for strata property.

The jurisdiction of strata legislation in Malaysia was based on legislation in Australia (Altmann, 2014b). Be that as it may, strata legislation has to update occasionally, to guarantee better strata living (Izanda, Samsudin and Zainuddin, 2020). For the law of strata development in Malaysia, the strata title was first initiated under National Land Code 1965 (Act 56) as subsidiary titles in Peninsular Malaysia. However, the National Land Code 1965 (Act 56) has the limited provision in conveyancing the strata titles property (Hussain, 1999), follow by swift growth in Malaysia, give impetus to the Strata Titles Act 1985 (Act 318) to be introduced to guarantee the property rights. As a result, it is better in dealing with strata property issues after the existence of the Strata Titles Act 1985 (Che et al., 2008).

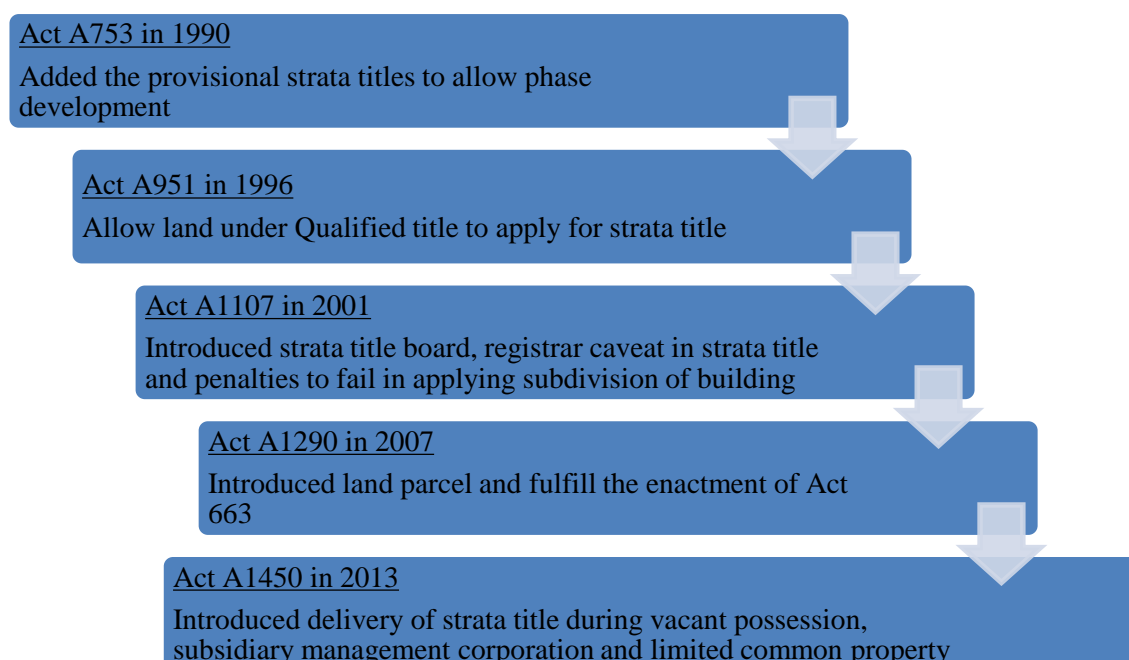


Figure 1.1 The Amendment of Strata Title Act 1985 until Year 2013

Precisely, there are few amendments of Strata Titles Act 1985 (Act 318), respectively under the Act A753 in 1990, Act A951 in 1996, Act A1107 in 2001, Act A1290 in 2007, Act A1450 and ultimately Act A1518 in 2016. The details of amendment of Strata Titles Act 1985 are shown in Figure 1.1, started in year 1990 under Act A753 until 2013 under Act A1450. The amendment of 2007 come into new era, where the revision of Strata Titles Act 1985 (Act 318) is under Act A1290 demonstrated the strata property introduces land parcel, by allowing the strata titles issue to the alienated land in strata scheme which has more than two buildings and less than four storeys building (excluded basement car park). The Act A1290 was amended alongside with the enactment of the Building and Common Property (Maintenance and Management) Act 2007 (Act 663), where there was the commencement of the self-governance system, so that the strata scheme will be self-governance by the Joint Management Body or Management Corporation (Shukri and Maidin, 2010).

Nevertheless, Act 663 was abolished and supplanted upon the introduction of Strata Management Act 2013 (Act 757) in 2013, this Act 757 legislation emphasised the right and restriction of strata title property's ownership, as well as strengthens the practice of strata management in terms of rule, regulation and implementation (Zan et al., 2018). In this way, the amendment of the Strata Titles Act 1985 (Act 318) aims to fulfill the prerequisite of the Strata Management Act 2013 (Act 757) and lead to new breath of strata building development, which is named as Strata Titles (Amendment) Act 2013 (Act A1450). The Act A1450 initiated the subsidiary management corporation to manage the limited common property which helps to conquer the unfair management, so that the parcel owners do not need to pay the management fee for common properties which are not enjoyed by them. The Strata Titles Act 1985 (Act 318) was amended recently under the Strata Titles (Amendment) Act 2016 (Act A1518), which introduced the parcel rent and land acquisition on strata scheme. This amendment assists with guaranteed rent of parcel is capable of each proprietor, which help to conquer the arrears for rent that will only affect the respective parcel and it will not influence the entire operation of the management corporation.

As a result, the major enhancements were in 2013, where the major transforms towards the strata legislation, to help the strata property in delivering the strata titles



during the vacant possession. Moreover, the initial strata legislation [(Strata Titles Act 1985 (Act 318)] was no express provision to govern matter for disputes (Asiah et al., 2013). Aforementioned, the Strata Management Act 2013 (Act 757) was gazetted on 8th February 2013 to conjunct with the provision of Act A1450 (Tan et al., 2016). Therefore, the improvement of the provision in the Strata Management Act 2013 (Act 757) shall be applied by the management body (Wahab et al., 2015). More provisions in the Malaysia strata acts endeavour to seek solutions, best practices, and proper governance of the strata property (Azmin, 2006). Therefore, the establishment of the Strata Management Tribunal is to supplant Strata Titles Board as a conflict resolution mechanism for strata property in ensuring the quality of living in strata property (Tawil et al., 2009a). For the current practice, two main government agencies that are in charge of monitoring strata schemes in Peninsular Malaysia and Federal Territory of Labuan are the Commissioner of Buildings (COB) and Strata Management Tribunal (SMT) (Wong, 2019). Whenever related to settle disputes concerning the strata management, the power was given to Strata Management Tribunal (SMT) to make decision to resolve any disputes (Strata Management Act 2013 (Act 757) & Regulations, 2015). Commissioner of Buildings (COB) has the power of monitoring, while Strata Management Tribunal (SMT) acts as the conflict resolution mechanism.

New legislations aim to improve the sustainability of a building, particularly for high-rise building to be widely developed in Malaysia (Zainal, Maizam and Azuin, 2015). Strata Titles Act 1985 (Act 318) caters for multi-storey buildings (Asiah et al., 2013), which also included common property in such buildings. Furthermore, the operation of the building becomes more efficient if initial construction with better planning by taking into consideration the lifetime cost and sustainability of property (Noorsidi et al., 2013), which additionally incorporates the operation of common property or amenities (Ho, Chau and Yau, 2008). In Malaysia, the registration of strata title is just for the individual parcel, while management corporation holds the ownership of common property. Individual rights for strata property consist of rights in the unit and common property (Easthope, Hudson and Randolph, 2013). Hence, ownership and right in common property are equally significant on the grounds that these common properties can be enjoyed exclusively by owners (Yiu, Wong and Yau, 2006). However, these different interests required the govern by the statutory system

to avoid dispute problems of ownership and it could unravel some management troubles in strata title development (Walters and Kent, 2000). This scenario could be enhanced under one of the Ostrom's principle graduated sanctions, which emphasises the punishment for the individual who offence the regulation.

The strata legislation also introduces management bodies liable for the management of the strata scheme and they shall follow the duties and powers under strata legislation (Robinson, 1985). Under the strata legislation, the management body could appoint a managing agent to conduct property management of the strata scheme in a strategic way (Yiu et al., 2006). Along these lines, it is essential to decide the appropriate legislation for the management of the strata scheme to support the building in a good environment (Christudason, 2008b; Au-Yong et al., 2018) and the management body could ensure it carries out legal responsibilities and duties for manage common property accurately (Zainal et al., 2015).

For current strata development in Malaysia, all strata schemes will be managed by a developer for not more than twelve months after vacant possession. After the developer management period, the developer must call for the establishment of a Joint Management Body (JMB) or Management Corporation (MC), depending on whether strata titles are issued or not. Upon acquired the strata titles, it is the obligation of the developer or JMB to compulsory the establishment of the MC for the strata scheme, which consists of all the parcel proprietors (Strata Titles Act 1985 (Act 318), Rules & Orders, 2018). Meanwhile, the Strata Management Act 2013 (Act 757) stated MC should be established upon the one-quarter (25%) of the aggregate share units have been transferred and strata titles were issued. In addition, the committee member of MC consists of at least three and not in excess of fourteen members and are elected in the first annual general meeting held by either developer or JMB (Strata Management Act 2013 (Act 757) & Regulation, 2015). Under the strata legislation, the MC should regulate and manage all amenities known as common property in a strata scheme (Che et al., 2010; Walters et al., 2000). All the maintenance account and sinking fund account, records, maintenance and management of common properties should be administered by the MC (Tawil et al., 2012). Relating to common property, all the common properties will benefit strata unit owners in common (Tan et al., 2016).

Accordingly, owners are not permitted to isolate their interests in the common property or common assets from their parcels.

Another changes in strata legislation in the year 2013 introduced another management body, which is subsidiary management corporation (Sub-MC) may be designated by the management corporation to manage the limited common property (LCP) (Tan et al., 2016). In accordance to Section 17A of the Strata Titles Act 1985 (Act 318), the boundaries and areas of limited common property shall be described and identified in the special plan prepared by the appointed licensed land surveyor. In addition, the limited common property is functioned like the common property in the strata scheme, but it will be benefited by specified proprietors only, and not for all proprietors. The determination of the limited common properties (LCP) is critical and helps to identify the rights for specific owners who have rights and exclusive benefits on the respective LCP. Meanwhile, it is more pleasant if the owners of strata units, not needed to pay the maintenance charges of the common properties, that are not benefited by them. However, the formation of a subsidiary management corporation (Sub-MC) is discretionary, which relies upon all the existence of common properties that are just enjoyable by certain strata unit owners but not all owners (REHDA Institute, 2018). It also depends on the willingness of MC to establish Sub-MC, with the condition that to obtain consents of parcel owners to pass the comprehensive resolution in the general meeting of the MC. Therefore, it raises the question to this research on whether the Sub-MC formation could benefit all the strata scheme or not?

Integrated development that with various types of common property requires a more structured and effective process of managing the common property (Ogungbile et al., 2015). Hence, formation of Sub-MC and designation of limited common property may benefit all parties in the integrated development, which is fairer in determining the maintenance charges and right of owners. Since formation of Sub-MC dependable on the consents of owners, Ostrom's principles were conducive and suitable for the collective action of the proprietors (Gao and Ho, 2016), they are valuable for multi-possessed housing management in tackling the collective action problems, management issues, and tragedy of commons (Ho and Gao, 2013).

## 1.2 Problem Statement

Living in the strata property meaning the owner is sharing interests of the common property (Yau, 2011a). Nevertheless, there are few issues concerning common property in the strata scheme (Tawil et al., 2012), such as majority of the managing body does not acquaint with the rights of common property (Christudason, 2004); disputes may emerge due to the different interests in common property is benefited by involved various owners (Teo, 2015); and also some issues regarding common properties did not arouse attention by the management body (Ho and Gao, 2013). These management problems in the usage of common properties are more severe in the integrated development for strata property due to more parties sharing the facilities (Zainal et al., 2015), where some common properties just capable and enjoyable by certain owners only. Nevertheless, these problems shall be solved by setting restrictions for the enjoyment of those common properties (Walters et al., 2000) and clearly identified and classified the common property or facility (Rashidah et al., 2016) to improve the management of the common properties and also protect the rights of parcel owners.

Management structure will be intricate for integrated development and strain relationship occurs between different usage of strata owners (Easthope and Randolph, 2016). The diverse group of owners would have different interests, for example inclination occur for commercial units with larger areas or usages compare to residential units (Christudason, 2009), which lead to unfair management and usage in common property. Someone may overuse the common properties (Ho et al., 2013) or someone did not have exclusive enjoyment or not fully use the facilities (Che et al., 2008). Subsequently, these unfair situations shall have a conflict resolution mechanism under Ostrom's principle to guarantee mutual benefit and a win-win situation in the integrated development. One of the solutions is to form the subsidiary management corporation to manage these special common properties, so call "the limited common property".

In Malaysia, the strata legislation allows management corporation to establish subsidiary management corporation (Sub-MC) in managing the designated limited

common property (LCP) (REHDA Institute, 2018). With the establishment of the Sub-MC, it can solve the issue of this unfair management, where only those owners who have an exclusive benefit on the limited common properties will pay the management fee. Nonetheless, the formation of the Sub-MC is optional (REHDA Institute, 2018) because it is dependable on the willingness of the MC and owners, with the need of collection action of the owners for decision making (Zhang, 2010), in overcoming the issue of owners do not benefit some of the common properties. Nevertheless, not all strata properties require to have two-tier management corporation and limit the usage of common property to certain owners as it were. With this, it raises the research question for this research, on whether the Sub-MC formation is important for all strata property, and will it benefit all the parcel proprietors?

Until today, there was only one strata scheme in Malaysia had formed Sub-MCs, reported by EdgeProp (2018), where the 1 Mont' Kiara mixed-use stratified development will set up the first Sub-MC in Malaysia with a sum of three Sub-MCs are proposed to be established. In April 2019, EdgeProp (2019) revealed that, 1 Mont' Kiara development was the first stratified property to obtain their certificate of establishment of the Sub-MCs from the State Director of Land and Mines. Despite the fact Strata Titles Act 1985 (Act 318) and Strata Management Act 2013 (Act 757) introduced the Sub-MC formation to manage the limited common property since 2013, however, the formation of Sub-MC is still less to be implemented by the stratified property, although it is so important particularly for the integrated development or mixed-use development.

The less execution might due to the challenges to form Sub-MC (Yati, 2017), where the requirement to obtain a comprehensive resolution under the Strata Management Act 2013 (Act 757) is difficult to accomplish, due to all the owners who are consent to form Sub-MC must have at least two-third ( $\frac{2}{3}$ ) of aggregate share units. Second, Survey and Mapping Director General Circular (PKPUP), Ref.1, (2017) necessitate management corporation to appoint licensed land surveyor to prepare the special plan in the designation of the limited common property, which require budget and time. Another factor of low implementation is the eagerness of the management corporation (MC) to form Sub-MC. These necessities that hard to be accomplished

might hinder the formation of Sub-MC in Malaysia. However, these difficulties could be depicted under the principle of Common Pool Resource (CPR) Theory by the principle of nested enterprises, where a clear guideline could be the reference for empowering the establishment of Sub-MC. Hence, it is more rational to propose some enhancements to ensure the effectiveness of the formation of the Sub-MC for the strata property, so that the Sub-MC could be formed sustainably.

Upon the formation of the subsidiary management corporation, effective management of the entire strata scheme shall be emphasised. Some more, lack of understanding of the current legislations and insufficient legislation likewise cause the ineffective management of the strata property (Aziz et al., 2014). Since the majority of the high-rise building in integrated development are not effectively managed (Yusuf, Hussin and Azali, 2015), Sub-MC shall have a fairer outcome and better assurance of their rights to ensure exclusive benefit will be enjoyed by specific user groups (Christudason, 2009) with several Sub-MCs to be set up. Hence, it will be two-tier management system in the strata scheme, upon the set-up of the Sub-MC (Federal Lands and Mines Director General Circular (PKPTG), Ref 6/2014, 2014; Christudason, 2009). Without legitimate management, more complaints and disputes from unsatisfied owners may emerge (Darul et al., 2018). Subsequently, there is a research gap to this research, on any enhancements could be proposed for the better management framework for the Sub-MC?

Common Pool Resource Theory designed by Ostrom (1990) will be the best approach to deal with dissect the willingness of MC to form Sub-MC; the better management on the limited common property matters; describe the benefit of the Sub-MC formation, which could assist to develop the framework of the sustainable formation and management of the subsidiary management corporation. Eight (8) principles of Ostrom's theory will describe the benefit to form Sub-MC and develop a framework for better management and governance of the residential building (Ling et al., 2014a) with two-tier management system. For instance, one of the principles clearly defining the boundaries helps to identify the rights in the limited common property. Strata property will isolate ownership into various units with common interests and rights and cause the tragedy of common (Buchanan and Yoon, 2000).

The owner groups wish to exclude each other rights (Easthope et al., 2013, Heller, 1998), such as a Sub-MC prohibit other Sub-MC in a strata scheme, while the common properties are underutilised or not enjoyable by all owners (Buchanan et al., 2000). For the tragedy of common, proper institutional arrangement could decrease management problems, such as, to develop a common pool resource for the strata scheme (Ho et al., 2013), to prevent some common properties being overuse by a component's owners (Heller, 1998). Common pool resource theory helps a positive significant impact on strata management and help institutional management (Gao et al., 2016), therefore, this theory will be the reference to develop framework for the better management of the Sub-MC.

Integrated development could not escape from generating collective action problems, such as sharing the common property and management issues as well as the tragedy of commons, such as the common property being overuse by an owner group (Zhang, 2010). Henceforth, critical research should be carried out to identify problems and reasons for the low establishment of the Sub-MC as described in Figure 1.2. The first research question is investigating the willingness of owners to form Sub-MC. Meanwhile, enhancements for the management of Sub-MC is significant to ensure a better Sub-MC procedure and performance for strata management, which is the second research question in this research. Lastly, there ought to have a management framework and research for better strata property management (Gao et al., 2016) which is the third research question in this research.

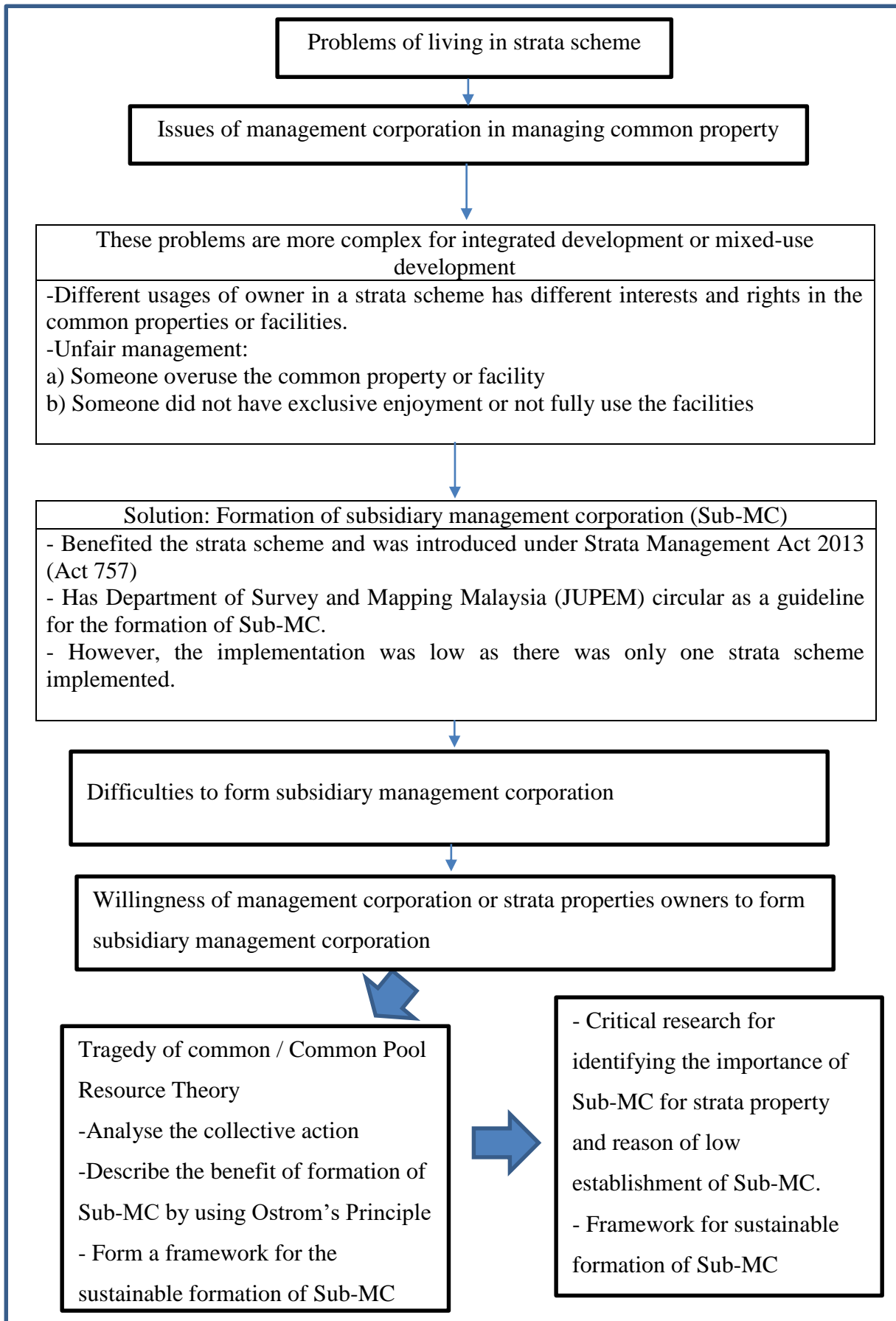


Figure 1.2 Research Problem



### **1.3 Research Aim**

This research is aimed to enhance the strata property governance in terms of legislation, regulation, and institutional by clearly define the better management of the strata buildings. The hypothesis is that - the formation of the subsidiary management corporation is effective in managing the limited common property and overcome the management issues in the integrated development.

### **1.4 Research Question**

This research focusing on the enhancement could be made towards the strata scheme management, especially for the management corporation and subsidiary management corporation. Hence, some principal research questions based on this study include the following:

- i) For the current situation in Malaysia, does the establishment of subsidiary management corporation to manage limited common property is important for all strata scheme? Does the opinion of the owner and resident in integrated development is important to affect the establishment of the subsidiary management corporation?
- ii) Any enhancement or improvement could be made towards the current practice of the strata scheme in Malaysia?
- iii) What might be implemented as a framework for subsidiary management corporation in managing the strata scheme?

## **1.5 Objective of The Research**

The research objectives are:

- i) To investigate the importance of the establishment of subsidiary management corporation in managing limited common property for the strata scheme in Malaysia and overcome the management issues in integrated development.
- ii) To evaluate the enhancement could be made towards the establishment and management of the subsidiary management corporation of the strata scheme in Malaysia.
- iii) To formulate the proposed framework of the subsidiary management corporation in managing strata scheme in Malaysia.

## **1.6 Scope of Study**

The research area will be fundamentally on strata scheme management and method to manage the resources and facilities of common property as well as limited common property. Some management issues corresponding to subsidiary management corporation and limited common property will be discussed in this research. This research will be intended to include a framework in managing limited common property in a strata scheme as a guideline. The common pool resource (CPR) theory will be the main reference in developing a framework where one of the purpose in CPR is to configuration long-term cooperation which is suitable in managing the strata scheme and common property.

This research focus around the case study of some integrated developments or mixed-use developments. Some opinions of management corporation will also to be taken into consideration. A few issues related to the formation of subsidiary management corporation (Sub-MC) in managing limited common property (LCP) and managing period of Sub-MC will be discussed. This study has some objectives to find

out if any enhancement could be made on the strata scheme by developing a framework under Ostrom's principle and common pool resource (CPR) theory. This framework includes the sustainable formation of Sub-MC under better management of the strata scheme to encourage the formation of Sub-MC.

## **1.7 Significance of the Research**

The land resource is getting less from day to day in Malaysia, therefore, strata development becomes more popular in Malaysia. The integrated development is one of the popular development in the urban area, in this case, it requires a long term relationship in managing the strata scheme. The integrated development could identify limited common properties (LCP), which only some owners of the strata scheme will enjoy it. Currently, the management corporation (MC) will manage the common property in a strata scheme for current strata property practice in Malaysia. However, MC was allowed to establish a Sub-MC and limited common property.

There is room for more critical researches in improving and restructuring the roles and responsibilities of MC and Sub-MC in managing the common property and limited common property respectively, whereas, currently Sub-MC established in Malaysia is still low in number. Therefore, this research is important to tackle the legal, organisational and lastly technical issues in enhancing the management of strata property.

## **1.8 Research contribution**

This research could provide more understanding about the management of strata scheme and defines clearer roles and responsibilities of the respective bodies. More information could be added to the available literature relating to this research. This research has the main contribution in the following areas:

- i) To government, especially for State Land and Mines Office and Commissioner of Buildings (COB).
- ii) To developer, which including the handover procedure and building up their reputation.
- iii) To management body, such as a management corporation or subsidiary management corporation to have a clearer guideline on the management of the strata scheme.
- iv) To owners of strata unit, who have exclusive rights to the limited common property.
- v) To professional bodies, such as licensed land surveyor, property surveyor and Department of Survey and Mapping Malaysia.

## **1.9 Structure of Study**

This study is divided into seven chapters. Chapter one is the introduction, which is the preliminary study of this research. This chapter will outline the basic of the study, which is presented and organised for the rest of this study. Meanwhile, the problem statement is presented, followed by research aim, research question as well as objective of the research. Chapter one also covers the scope of study, providing a clearer overview about this research. Lastly, the significance of the research and research contribution are also included in chapter one.

Chapter two will be the literature review, which is also the preliminary study of this research. There are two main areas in chapter two: strata titles and strata

management for the strata property. Meanwhile, common pool resources theory is also included in this chapter, where it is the main idea to develop the framework of management for subsidiary management corporation in this study.

Chapter three is the research methodology. There are four main phases of research methodology in this research, which are first and second quantitative phases, qualitative phase and integration phase. This chapter also describes how each method in this study achieves the objectives of this research.

Chapter four will focus on the findings and results for quantitative phase of this study. The results of questionnaire collected from owners, residents and tenants in integrated development will be analysed using the method stated in chapter three and present in this chapter. Based on the primary data, that is the questionnaire survey, the data will be analysed using descriptive analysis to analyse the importance of the establishment of subsidiary management corporation for the strata scheme in Malaysia.

Chapter five is the results of the analysis of the questionnaire survey collected from government departments and professional bodies in the first phase. This phase will analyse the difficulties of forming subsidiary management corporation and enhancement of strata property as the sources for the qualitative phase. The next stage, which is qualitative phase, is the interview with experience authorities to obtain the results and findings, which provide an overview about the strata management and enhancement, especially for subsidiary management corporation in managing limited common property. This chapter has three main parts, which are results from quantitative phase, qualitative phase as well as integration phase. A sample of special plan of case study is discussed to address the difficulties in preparation the special plan.

Chapter six is the results of integration phase. In this chapter, a framework model will be formed using the Common Pool Resource Theory to analyse the benefit

of the formation of Sub-MC and form a framework for the sustainable formation of Sub-MC.

Chapter seven is the conclusion of the study, where the recommendation of the overall research will be discussed under this chapter. Finally, this chapter also provides some suggestions for further research to be carried out.

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