

PAM PRACTICE BUREAU
CATEGORY J: GENERAL/MISCELLANEOUS

No.	DATE	ENQUIRY	RESPONSE FROM TEAM
1.	5 Nov 2021	<p>RE: Glass Door Failure Resulting Personal Injuries - Does this fall under the jurisdiction of the Architect?</p> <p>I would like to seek advice from the Institute/Board, on an incident that happened to my wife that caused personal injuries.</p> <p>Photos show the sliding glass door broke, because of the failure of one of the clamps, supposedly supporting the load of the glass.</p> <p>The glass door is a door in our bathroom. The incident happened when my wife was pulling open the door (to the left). As soon as she pulled (as can be seen on one of the photos, which shows slightly open), the glass tumbled down, as one of the clamps failed while the other was still intact.</p> <p>There is no sign of failure due to material as the screw/bolt is still intact, but the clamp simply disengaged.</p> <p>We have lodged a complaint to the developer, who called his supplier in, and his supplier claimed that the design of the door is certified by the Architect and hence it is safe. Well, it is evidently not. Of course, they blamed the use, but could not prove there is any misuse or negligence from our side. They also said that since it has passed the Defect Liability Period, they are no longer liable for such an incident.</p> <p>I have doubts that the design is safe, as there is no means of preventing the disengagement of the clamp from the bolt</p>	<p>Dear Sir,</p> <p>We refer to your email dated 5 November 2021 and our reply is as follows:</p> <p>-</p> <p>First, please be informed that we are replying and advising (without prejudice) on behalf of the Malaysian Institute of Architects (PAM). Should you require advice from the Board of Architects Malaysia (LAM), we would advise that you write directly to them.</p> <p>We presume that you have purchased the property directly from a developer, hence in our opinion, the developer should be the primary party in responding to any issue pertaining to the qualities of the property.</p> <p>To ascertain the lines of responsibility and jurisdiction, we would advise you to write officially to the developer and seek an official reply with supporting statements by the relevant party who specified and supervised the installation of the door system, i.e. – to confirm whether the door system was indeed specified and approved by the Architect.</p> <p>Generally, the specification of such door systems would include considerations such as: Selection of hardware; Selection of materials; Usage and operational requirements; Installation method, etc</p> <p>The specifier/designer shall ensure the system is safe and fit for its purpose.</p> <p>Based on the available information as provided, we are unable to advise you of the cause of the mishap. However, if you require a detailed report, we advise you to engage an independent and qualified consultant to carry out the investigation.</p>

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		<p>(that it installed on the rail on top). While it may not have been installed with the bolt properly tightened, for me, there should still be a means to prevent it from disengaging since the disengagement can cause the failure of the glass that could result in personal injuries, if not a fatality. For me, before approving its use, at least, the safety concerns shall be adequately addressed prior, in which the safety properties and the ways in which the glass could fail shall be sufficiently studied.</p> <p>I am not sure if this is under the jurisdiction of the Architect as claimed by the supplier, but I would like to humbly seek advice from the Institute/Board to provide me with some guidance, who should be liable for this?</p>	<p>We believe that such an independent report would be essential to determine your subsequent actions against the developer, specifier or any other relevant party who is responsible for the mishap.</p> <p>Should you have difficulty finding an independent consultant, you may contact Architect Centre Sdn. Bhd [ACSB] at info@architectcentre.com.my or O: 03 2201 6662.</p> <p>We trust the above has been helpful. Thank you.</p>
2.	2 Nov 2021	<p>I seek your guidance and help to get a definition of high rise building in Malaysia. We need the definition of high rise building to assess the applicability of some rules and regulations in Malaysia relating to condominiums.</p> <p>If you are not able to provide the definition of a high-rise building, perhaps you could point me in the direction where I can get such a definition</p>	<p>Thank you for your email as sent on 02 Nov 2021. Please refer to our reply as follows:</p> <ol style="list-style-type: none"> 1. "High rise buildings" generally refer to tall buildings. Nevertheless, we are not aware of any <i>official definition</i> which is applicable in Malaysia. 2. Generally, the issue of high-rise buildings is related to its Vertical Transportation (lifts), Evacuation in the event of an emergency and finally, to its Fire-fighting Provisions. <p>Please be advised that there are requirements with regards to the evacuation of occupants in the event of a fire and fire-fighting provisions in the various versions of the Uniform Building By-laws (UBBL) which are in force in Peninsular Malaysia. Kindly note though that the above provisions are NOT based on any definition of whether a building is "high-rise, medium-rise or low-rise but on its height (as measured in metres).</p>

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			<p>3. However, we also wish to highlight that there may be local authorities who issue their own "<i>garis panduan</i>" which may give their own definition of a "high-rise building".</p> <p>As you have not stated clearly, the assessment and rules/regulations that you are referring to, we are unable to advise you further on an appropriate source of reference. Technically, if such terminology of "high rise building" is relevant and valid with regards to the rules/regulations that you are referring to, it would normally, be clearly defined in such documents.</p> <p>Otherwise, you may also seek clarification from the organisation or government bodies relevant/related to such rules / regulations. If your matter is related to the local authority, we would advise you to seek clarification from the respective local authority for as noted earlier, they may have their internal guidelines related to the definition of a "high rise building".</p>
3.	7 Oct 2021	<p>ADUAN BERKENAAN HEADROOM BEAM TANGGA SANGAT RENDAH (KURANG 6'0"0)</p> <p>I am seeking Persatuan Arkitek Malaysia's assistance and advice to resolve the mentioned problem.</p> <p>We have already filed numerous complaints but until today the matter is still not resolved.</p> <p>We will be glad if you can advise us on how to proceed.</p> <p>Thank you.</p> <p>Notes: Photos & plan is attached to the complaint.</p>	<p>We refer to your query as received on 7 October 2021 and write in reply as follows:</p> <p>1. We have difficulty understanding your query due to the inconsistent information but shall nevertheless endeavour to assist you. Your attached letter notes that a letter of complaint has been enclosed but the only other letter received is a reply from the local authority. We as such, are unaware of the nature of your complaint, to whom your complaint was made and when the complaint was made.</p> <p>2. Should a complaint have been made against the conduct of the Architect, to the <i>Lembaga Arkitek Malaysia</i>, please be advised that Pertubuhan Arkitek Malaysia (PAM) is an institute registered under the registrar of societies and is required to <u>not</u> interfere with the investigations carried out by LAM. As we have not received any evidence of such a complaint, we shall proceed to assist you with your query based on the assumption that no such complaint has been lodged by you nor by the parties you represent.</p>

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			<p>3. We are in receipt of a sectional plan which is described by you as an “as-built plan” purportedly issued to you by the Architect. This sectional plan would seem to indicate the vertical clearance (headroom) of the staircase relative to the structure above. We are unable to comment if the stairs have been <i>wrongly constructed</i> as we do not have the approved plans nor the required construction plans to refer to but would nevertheless <u>note that the clearance/headroom as indicated on the plan would seem to comply with the minimum requirements as specified under the relevant Building By-laws.</u></p> <p>4. Kindly note that this “as-built plan” also does not correspond to the staircase as shown in the photo which was attached with your e-mail. The photo seems to show a suspended ceiling below the underside of the floor beam above. Please note though that there is no suspended ceiling indicated on the sectional plan which was attached.</p> <p>5. In the absence of any other documents, the <i>low headroom</i> would seem to be a result of this suspended ceiling.</p> <p>6. If the suspended ceiling was part of the original design of the property sold by the developer, we would advise that you continue following up on your complaint with:</p> <ul style="list-style-type: none"> a. the developer (as the party contracted to supply the property), b. the architect (as the party certifying that the property has been completed and is in accordance with the relevant Building By-Laws by issuing the Certificate of Completion and Compliance (CCC)) and c. the local authority (as they are the only party empowered to order the withholding of the issuance of the CCC). <p>You may alternatively, take your complaint to the Tribunal for Homebuyer Claims (as established by the Ministry of Housing, Local Government and Urban Well-being).</p>

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			<p>7. Should the ceiling have been added by others <i>after</i> the issuance of the CCC, we would advise that you follow up on your complaint with the parties who installed the ceiling.</p> <p>8. Finally, to ascertain and advise on the non-compliance as you have stated, you may consider engaging an independent consultant of your choice to carry out an investigation. Should you be unable to find a suitable consultant, you may approach Architect Centre Sdn. Bhd [ACSB] at info@architectcentre.com.my or O: 03 2201 6662, to carry out an inspection and assessment for you.</p>
4.	26 July 2021	<p>We wish to seek the advice and assistance of PAM relating to the numerous defects and building shortcomings affecting the common property and individual parcels.</p> <p>Hence, we have attached a letter listing some of the related matters for your attention.</p> <p>We sincerely trust that PAM would kindly assist us as the property purchasers to resolve the outstanding matters.</p>	<p>We refer to your e-mail dated 26 July 2021 and write as follows:</p> <ol style="list-style-type: none"> 1. We have reviewed your list of alleged defects and shortcomings. Based on the limited information we've received, we can only surmise at this stage, that your problems may fall into some of the categories below: <ol style="list-style-type: none"> a. Defects which may require attending to. b. Parts of the building which may not be fit for purpose or be in contravention to legislation. c. Parts of the building which may be inconvenient to use but which are, nevertheless, still fit for purpose. d. Issues related to the management of the building and the surrounding area. 2. We would normally, first advise that you seek out the developer to review and discuss the above with them <p>For some of the above, we would also advise that you check with the date of your Sales & Purchase Agreements (SPA) as the developer may still be contractually obliged to attend to them.</p>

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