

(Adjudication Application Number: SOP/AA05 of 2006)

IN THE MATTER OF  
SECURITY OF PAYMENT ACT 2004  
THE BUILDING AND CONSTRUCTION INDUSTRY

And

IN THE MATTER OF AN ADJUDICATION

Between

*AP*

...Claimant

v

*AQ PTE LTD*

...Respondent

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ADJUDICATION DETERMINATION

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LOW TIEN SIO  
*Adjudicator*

Date: 9 June 2006

## **THE CONTRACT & RECORD**

1. On 28<sup>th</sup> July 2005 a Contract was entered into by *AP* and *AQ* Pte Ltd for works relating to Repair and Redecoration to 22 blocks of apartments at *YYY*. The contract sum was for S\$237,600 and the contract duration was for the period from 15<sup>th</sup> July 2005 to 14<sup>th</sup> June 2006.
2. On 3<sup>rd</sup> May 2006 *AP* submitted a claim for payment in relation to works carried out for the total amount of S\$67,768.73. The amount relates to claims for payment submitted over the period from 22<sup>nd</sup> November 2005 through to 30<sup>th</sup> December 2005. The Respondent informed the Claimant on 3<sup>rd</sup> May 2006 that they were still verifying the claims and raised the issue of poor workmanship carried out by the Claimant and also that certain works were not completed. The Respondent's reply did not adequately address the claim as the response amounted to mere statements without identifying specific details of poor workmanship or those works that were not completed in accordance with the contract.

## **ADJUDICATION APPLICATION**

3. On 25<sup>th</sup> May 2006 *AP* submitted an application for adjudication and this was duly filed on 26<sup>th</sup> May 2006. In accordance with Section 15(1) of the Building and Construction Industry Security of Payment Act 2004, the Respondent, *AQ* Pte Ltd, should lodge a response to the adjudication application within 7 days after receipt of a copy of the adjudication application.
4. When approached by the Singapore Mediation Centre, I agreed to accept the appointment as the adjudicator on the 1<sup>st</sup> Jun 2006. I was then informed by SMC on 7<sup>th</sup> Jun 2006 that as at 4.00pm on 5<sup>th</sup> June 2006, no adjudication response had been lodged by the Respondent.
5. In accordance with Section 16(1) of the said Act the adjudication commences immediately upon the expiry of the period for the respondent to submit an adjudication response. In accordance with Section 17(1) of the Act, I am required to make a determination by 13<sup>th</sup> June 2006.

## **DETERMINATION**

6. As the Respondent had failed to make a payment response within the required period as set down in the Act, I determine that the Respondent, *AQ* Pte Ltd, shall pay the Claimant, *AP* the amount of S\$67,083.08 and this amount shall be payable by 23<sup>rd</sup> June 2006. I have studied the claims for work done and related these to the items of work in the contract and I have satisfied myself that the claims are on the face of it sufficiently justified and have thus allowed the claim in full except for those stated below.

7. I have disallowed the sum of S\$653.00 claimed for the use of equipment and material without consent and the related 5% GST as this is an issue not covered within the Contract agreed between the parties and from the documents provided to me. The amount of \$653.00 is made up of three items in the Claimant's claim dated 21<sup>st</sup> December 2005 and these are -

- (a) Power float with 4 blades.....\$295.00
- (b) Foot path edge wooden planks.....\$300.00
- (c) 4 Bags of cement and 4 bags of Easi-plaster....\$ 58.00

There is no justification from the Claimant that the Respondent had used such equipment or material without consent other than a mere statement and no documentation has been provided that would suggest that the use of which would give the Claimant the right to claim for payment.

8. The Claimant is also entitled to claim the full cost of this adjudication and interest shall be payable from the date of this determination at the rate prescribed in respect of judgment debts under the Supreme Court of Judicature Act (Cap 322).

LOW TIEN SIO  
ADJUDICATOR  
Dated: 9<sup>th</sup> June 2006