



Persatuan Pemaju Hartanah Dan Perumahan Malaysia
马来西亚房地产发展商会
Real Estate And Housing Developers' Association Malaysia
"Towards Sustainable Development"
Responsive | Respected | Responsible | Relevant

MEMBERS' CIRCULAR 2/2021

To : All REHDA Members

From : Datuk Sr Charlie Chia Lui Meng
Secretary General

Cc : REHDA Branch Chairmen
REHDA Branch Secretariats

Date : 25 March 2021

RE : **SURVEY ON AMENDMENTS / VARIATIONS TO THE STANDARD SALE
AND PURCHASE AGREEMENT (SPA)
DATA ON TOTAL LAD PAYMENTS BY DEVELOPERS**

Kindly be informed that REHDA Malaysia is currently compiling information and details on approved projects by KPKT on variations or amendments to the standard Sale and Purchase Agreement (SPA) under the Schedule G and Schedule H, especially on the extension of time of delivery of vacant possession from the standard 24 months (landed) / 36 months (high-rise). With the recent Federal Court's decisions ruling in Ang Ming Lee's case that the Controller has no power to waive or modify any provisions in the Schedules, this means that all the approvals granted by KPKT, including those approved prior to sales / launching, are now ultra vires and null and void. Due to the court's decisions, more and more purchasers are starting to take legal actions against developers for varying the schedule period of completion. Such situation is seriously detrimental to all developers who are now exposed to extensive claims for Liquidated Ascertained Damages (LAD).

REHDA is currently preparing actions to help the industry on this matter and would like to compile the relevant data from the each developer to gauge the estimated amount for LAD claims, under the worst case scenario. The findings from this survey is very vital for REHDA to make representation to the relevant authorities on the possible catastrophic impact on the industry. Please be assured that all information provided will be treated in strict confidential and no names or companies will be revealed as REHDA is only looking at the total numbers and total amount of potential LAD involved.

Attached herewith, please find the survey form for your necessary action. Kindly complete the survey form and return to the Secretariat at 03-7803 5285 or email to amal@rehda.com before 2 April 2021.

Your participation in the survey is highly appreciated.

Thank you.

Yours sincerely

REAL ESTATE & HOUSING DEVELOPERS' ASSOCIATION MALAYSIA (REHDA)

**DATUK Sr. CHARLIE CHIA LUI MENG
SECRETARY GENERAL**



**SURVEY ON THE AMENDMENTS / VARIATIONS TO THE
STANDARD SALE AND PURCHASE AGREEMENT (SPA)**

NAME OF DEVELOPER : _____ STATE : _____
CONTACT PERSON : _____ POSITION : _____
EMAIL ADD. : _____ CONTACT NO. : _____

Kindly complete the survey form and return to the Secretariat at 03-7803 5285 or email to amal@rehda.com before **2 April 2021**. Please be assured that all information provided will be treated in **strict confidential** and shall be used only as part of a total report.

Details of project:-

1.	Developer	
2.	Project Name	
3.	Type of Development (i.e landed / strata / mixed)	
4.	Status (i.e completed / under construction)	
5.	Units of houses	
6.	Date of first SPA	
7.	Estimated / Actual Vacant Possession (VP) Date	
8.	New VP Date (based on approval granted by KPKT)	
9.	Total additional months approved by KPKT	
10.	Estimated Liquidated Ascertained Damages (LAD)	RM

(If you have more than 1 project, please fill in additional form using this same template)

~Thank you for your cooperation~