

THE STRAITS TIMES FRIDAY, AUGUST 30 2013 HOME

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Man's bid to access neighbour's roof denied

Court refuses his request in home owners' dispute over water leaks



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Mr Andrew Hanam was told by the High Court that there was no valid easement - or legal right of way - in which he could enter businessman Lam Vui's property without his consent. Justice Belinda Ang, in judgment grounds released yesterday, said Mr Hanam's application was "patently misconceived". The ruling is now expected to be a reference for landed property owners sharing common walls where one side has

BY K. C. VIJAYAN, SENIOR LAW CORRESPONDENT

A HOME owner who suspected water leaks in his three-storey semi-detached house came from the two-storey home next door has been refused a court order to access his neighbour's roof to carry out checks.

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Case Study

The High Court refused a property owner the right to access his neighbour's property to carry out certain acts in order to stop water leaks in his property. The acts included an inspection of the party wall, tests to determine the cause of water leaks and repairs to the party wall.

Under the common law, there is no general right for a property owner to access his neighbour's property to carry out repairs to his own property. Therefore, unless his neighbour consents, such a right if it exists has to come from some other source like a contractual document or statutory instrument.

In this case, there was an easement in the original transfer registered in 1974 that gave the property owner an express right to use the boundary wall "as a party wall". Unfortunately, it did not confer him with the right to enter his neighbour's property to inspect, conduct tests or carry out repairs to his own property.

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