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Universiti Tun Hussein Onn Malaysia

UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER I
SESSION 2018/2019**

COURSE NAME : REAL ESTATE LAW 1
COURSE CODE : BPE 12603
PROGRAMME CODE : BPD
EXAMINATION DATE : DECEMBER 2018/JANUARY 2019
DURATION : 3 HOURS
INSTRUCTION : ANSWER ALL QUESTIONS

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THIS QUESTION PAPER CONSISTS OF **THREE (3) PAGES**

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- Q1** (a) Describe the following basic elements of a valid contract.
- (i) Proposal/ offer
 - (ii) Acceptance
 - (iii) Consideration
 - (iv) Intention to create legal relations
 - (v) Capacity to contract
 - (vi) Free consent
- (24 marks)
- (b) Y Sdn. Bhd. and Mr. Z have entered into a contract.
- State **THREE (3)** remedies available to Mr. Z in the event Y Sdn. Bhd. breaches the contract.
- (6 marks)
- Q2** (a) Differentiate apparent authority from actual authority as regards agents.
- (15 marks)
- (b) Explain the meaning of Powers of Attorney as a legal instrument in land matters.
- (15 marks)
- Q3** (a) Suka Suka Bina Sdn. Bhd. (hereinafter referred as the developer) is developing a new industrial land in Batu Pahat into factory lots for sale. The project is adjacent to a piece of land owned by Datuk A (hereinafter referred as the complainant). In order for the project to run within its schedule, the developer then constructed a stretch of road right across the complainant's land to enable a free access of traffic. However, the complainant is not satisfied with the developer's action on the ground that it will soon damage his land. The developer counterclaims that since the complainant's land is in between of the development zones, there is nothing they can do except to access his land and moreover there is no evidence of actual damage found in the said land.
- Advise Datuk A on his legal rights against the developer.
- (20 marks)

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- (b) A developer plans to develop a housing project in a piece of land gazette as a temporary occupation license (hereinafter referred as TOL). Some of the equipment and machines have been deployed in the area of TOL holders' house. These have caused obstruction in their access in and out of the area.

Discuss whether a TOL holder can bring an action for ejection against the developer.

(20 marks)

-END OF QUESTIONS-

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