

Subject: Re: NSW Fair Trading - Reference Numbers 9363613 and 9761719 - HONEYPOT TRAP: Lot 158 owner is legal member of the Executive Committee for last two years
From: SP52948 owner – Lot 158
Date: 27/10/19, 21:35
To: sc@finance.nsw.gov.au

Statement

I, of Lot 158, have been LEGALLY ELECTED MEMBER of the Executive Committee for the last two years, with special emphasis on last 12 months, which is part of the alleged "defamation" case. That makes all my work, and sharing documents with owners and investors, perfectly valid as a legal representative of owners corporation in FY 2018 and FY 2019 (with duties of care and diligence).

It also means that paid document search was unnecessary because I was a member of the committee. And also means that by not providing access to strata files (Fair Trading NSW got full details of missing files for my search on 31 May 2019 and 20 September 2019) Waratah Strata Management prevented me from further helping the Police and Fair Trading investigations.

Strata plan SP52948 limits number of committee members to nine in any financial year. If the number of valid candidates is less than nine, then all of them become members of the committee automatically unless there is a recorded decision to have less than nine members in the Minutes of the meeting.

FY 2018, two unfinancial members on the committee: Lot 147, Lot 181 (total number of candidates: 11, selected 9, two not valid, hence Lot 158 automatically elected on 18 October 2017)

FY 2019, two unfinancial members on the committee: Lot 147, Lot 181 (total number of candidates: 10, selected 9, two not valid, hence Lot 158 automatically elected on 17 October 2018)

FY 2020, two unfinancial members on the committee: Lot 147, Lot 181 (total number of candidates: 10, selected 9, two not valid, hence Lot 158 should automatically be elected)

Honeypot

In computer terminology, a honeypot is a trap set to detect, deflect or in some manner counteract attempts at unauthorized use of information systems.

It took me eight years to have final admission, at Annual General Meeting on 17 October 2019, that owners who have second gas connection for heating have not paid full levies including 10% simple interest per each year in arrears:

Resolved that the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

Attachment "SP52948-Income-and-Expenditure-Report-FY-to-31Aug2019.png", sent by Waratah Strata Management to all owners in the agenda for AGM 2019, confirmed that no owner allegedly paid levies for second gas connection for FY 2018 (AGM held on 18 October 2018).

I needed it as they always defected dealing with Motion about unpaid levies.

Strata Schemes Management Act 2015 - unfinancial owners and conflict of interest

An owner will be able to require that a motion be included on the agenda for a general meeting of an owners corporation even though the owner cannot vote because of unpaid strata contributions (Schedule 1, clause 4). Any requirement given by an owner must include an explanation of the motion of not more than 300 words in length (Schedule 1, clause 4).

An owner will be able to nominate a candidate for election to the strata committee even though the owner is unfinancial (Schedule 1, clause 5).

An unfinancial owner will not be eligible for appointment or election to the strata committee (section 32).

An unfinancial owner will still not be allowed to vote at general meetings (Schedule 1, clause 23).

A member of the strata committee will not be entitled to vote on any motion put or proposed to be put to the strata committee if the member was, or was nominated as a member by a member who was, an unfinancial owner at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting (Schedule 2, clause 9).

A committee member will not be entitled to move a motion at a committee meeting unless the person is entitled to vote on the motion (Schedule 2, clause 14).

Members of a strata committee will need to disclose any pecuniary interest in a matter that is being or is about to be considered at a meeting of the committee and, unless the committee otherwise determines, must not be present for any deliberations on the matter or vote on the matter (Schedule 2, clause 18).

Strata levies must be paid even when receipt of levy notice is missing

As regulated by Fair Trading:

- Each owner and/or property manager needs to be aware of their owners corporation levy cycle.
- If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% (as prescribed by the

regulations) from the due date until it is paid.

- Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.
- Strata manager does not have authority to waive the interest as it is not money owing to the strata manager.
- The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.
- If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.
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Regards,

Lot 158