

Document 3

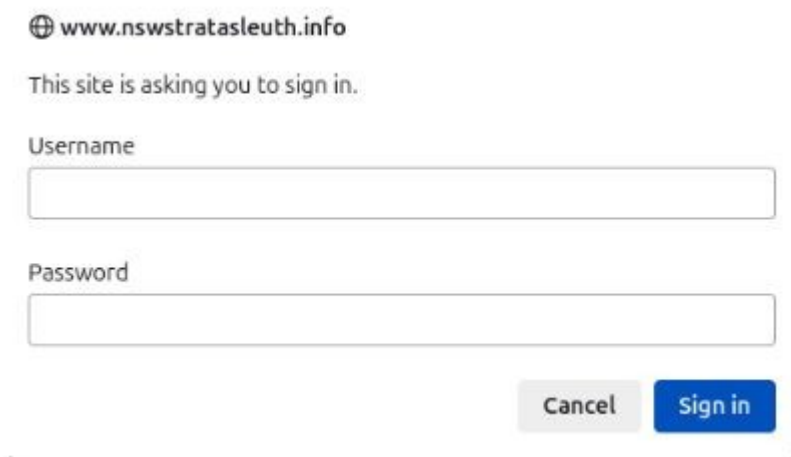
NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1

Most of submissions in NCAT case are provided on publicly-available secure website for all owners and investors in SP52948 since 2015, as what one would expect in open-minded democratic process, especially since Waratah Strata management (and their predecessor BCS Strata Management) did not allow owners free, or any access, access to most of strata files:

<https://www.nswstratasleuth.info/>

For selected group of protected documents, where applicable, login prompt will force NCAT and SP52948 to authenticate at this web link:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/>



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For security reasons, and as per best practices, login details are provided in a separate email.

Order removing member of the executive committee Mr. Stan Pogorelsky, as per SSMA 2015 Section 238 (a) for these reasons:

a) Repeatedly failed to comply with the SSMA, the regulations and the by-laws.

b) Repeatedly failed to exercise due care, skill and engaged in serious and wilful misconduct (including financial mismanagement and fraud). There was no evidence of contrition or remorse. Evidence points in the opposite direction. Lack of insight into the scale and seriousness of his actions is overwhelming. His actions establish a repeated, idiosyncratic pattern on conduct.

Mr. Pogorelsky relied on exposing Lot 158 to ridicule, discrimination, stalking, and intimidation, whilst using lies to protect own interests and interests of small group of his personal friends and owners.

His repetitive efforts to undermine Lot 158 evidence and investigative work cannot be excused or accepted as accidental.

c) Unfinancial since 1999, where he was elected to be a committee member without disclosure of outstanding debt for gas heating levies (non-democratic process), and used his position to benefit himself as a lot owner and a small group of other owners (who were also unfinancial and allowed to vote, and some of them even be elected as committee members), contrary to the interests of majority of other owners.

To illustrate the point: it took 13 years for Mr. Pogorelsky to admit at an official committee or general meeting that he had enjoyed use of gas heating without Special By-Law and resolution at general meeting, and it took 17 years for Mr. Pogorelsky to officially admit at an official committee or general meeting that he had enjoyed use of gas heating without paying prescribed levies and 10% simple interest per year, and then continued to mislead the owners about his real debt, directly defrauding owners corporation.

In McDaid-v-The-Owners-Strata-Plan-No.-60346-2023-NSWCATCD-134-01-November-2023, Tribunal clearly stated in paragraph 57:

There is a potential for conflict of interest in this arrangement which requires a high degree of transparency.

d) All four options to avoid NCAT case were rejected by Mr. Pogorelsky:

- Open Dialogue (in last 15 months alone, Mr. Pogorelsky has been repeatedly engaged to respond, refute, complain, or take any other action as per 42 emails sent to him or through strata managers)
- Mediation (NSW Fair Trading case 00994497, owners never received detailed information about it and it is not listed on Waratah Strata website)
- Term Completion
- Democratic Voting Process with Full Disclosure

Before AGM 2024, Lot 158, yet again, gave opportunity to all committee members and strata managers to prepare answers for many serious issues. None of them took this seriously and at AGM 2024, Mr. Nicolas Cozic, tacitly supported by unfinancial Mr. Pogorelsky, was on record that he stated "he was not interested in old problems", like when faced with direct question about whereabouts of \$92,950.00 for alleged upgrades on townhouses in 2017:

<https://www.nswstratasleuth.info/SP52948-Lot-158-submissions-for-problems-at-AGM-2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Waratah-Strata-Management-failed-to-answer-serious-questions-AGM-2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Motions-by-Lot-158-AGM-1Oct2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-AGM-28Nov2024.pdf>

Lot 158 gave Waratah Strata Management, Mr. Stan Pogorelsky, and committee members until Tuesday evening (3 December 2024), to respond with full details or refute claims. They stayed silent.

It was initiated after SP52948 declined to attend free mediation at NSW Fair Trading in case 00994497 (opened on 23 June 2024). Strata manager and committee members failed to disclose to owners the scope of problems and never published details of the mediation case:

- Special by-law 11 to be rescinded;
- Non-compliant meetings;
- Contracts for the Strata Manager and Building Manager;
- Problems with insurance renewal;
- Serious problems with maintenance of common property;
- Lack of sufficient funds in Administrative and Capital Works Funds;
- Poor 10-Year Capital Works Plan;
- Access to strata records;
- Certain decision to be made at a general meetings and not by the strata committee;
- Request for removal several committee members, with special emphasis on Mr. Stan Pogorelsky (Lot 181) who is unfinancial since 1999.

On 24 December 2024, six notice boards published incomplete agenda for paper committee meeting scheduled for 6 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-letterbox-notice-board-incomplete-agenda-paper-committee-meeting-24Dec2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-board-incomplete-agenda-paper-committee-meeting-24Dec2024.webp>

This rushed meeting was forced by Lot 158 emails dated 1 December 2024 and 22 December 2024. In the latter email, Lot 158 sent a strong warning. No reply was received and nobody objected to summonses for Mr. Stan Pogorelsky.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-SPOILER-ALERT-Stan-Pogorelsky-still-UNFINANCIAL-1Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-2024-00454780-001-Stan-Pogorelsky-notified-about-summons-22Dec2024.pdf>

Before AGM 2019 Mr. Pogorelsky secretly (and unsuccessfully) tried to settle his outstanding debt for gas heating levies without disclosure to owners, whilst he did not give such opportunity to other owners in similar situation, who blindly voted to NOT PAY their LEGALLY-ENFORCED DEBT and even allowed Motion 4 to be approved before Motion 14). Of such additional owners, three are of special interest because they served as committee members in various years and allegedly held the office with high duty of care (!):

Lot 3, Mrs. Lorna Zelenzuk

Lot 62, Mr. Upali Aranwela

Lot 147, Mr. Moses Levitt

Through this email, strata manager and committee members are duly served with these legal documents. It is also requested that ALL owners in the complex get copies of the NCAT case and these documents.

2) As of 22 December 2024, minutes of AGM 2024 have not been published on notice boards for 24 days.

3) Notice of NCAT case 2024/00454780-001 Directions Hearing (set for 15 January 2025) has not been published or given to owners since 5 December 2024.

4) As of 22 December 2024, negative balance (deficit) in Admin Fund is -\$196,053.47 and Waratah Strata Management still did not explain where the money for recurring expenditures comes in last two years.

Lot 158 is looking forward to an opportunity to cross-examine strata managers and Mr. Stan Pogorelsky when NCAT Hearing goes ahead.

Lot 158 has legal duty and moral obligation to report all activities that are illegal or crime-related. The Australian Government has passed the National Anti-Corruption Commission Act 2022 and legislation amending the Public

Interest Disclosure Act 2013. Fraud is dishonestly obtaining a benefit, or causing a loss, by deception or other means. Corrupt conduct includes:

Section 8(a):

Any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly:

(i) The honest or impartial exercise of any public official's powers, as a public official; or

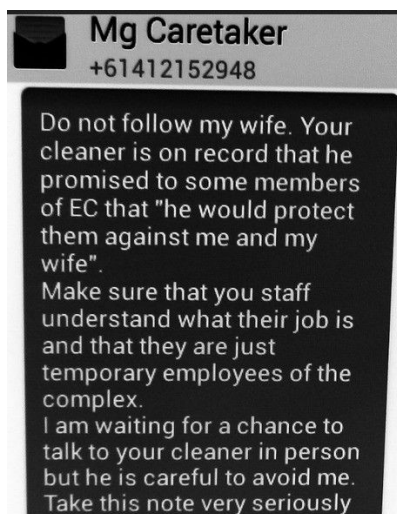
(ii) The honest or impartial performance of any public official's functions or duties as a public official.

e) To ensure fair process, Mr. Pogorelsky is issued with summons at the Hearing in this case, so that proper cross-examination can be guaranteed for all parties. By taking an oath or affirmation as a formal commitment to tell the truth, Mr. Pogorelsky must be forced to respond to Lot 158 questions and the Tribunal. Mr. Stan Pogorelsky is also asked to give evidence and hand over to Lot 158 all SP52948 documents as Lot 158 has been a legally-valid committee member since 2011.

In the event that Mr. Stan Pogorelsky resigns from the committee before NCAT Hearing, this requests will still be valid due to the fact that he is the only person, apart from Lot 158, will extensive knowledge of all events listed in this Tribunal case. Lot 158 should be granted natural rights to cross-examine Mr. Pogorelsky and confirm or refute, before the Tribunal, Lot 158 evidence, knowing that they will be made under an affirmation/oath.

f) Mr. Pogorelsky is a pathological liar and sociopath (no normal person can allow stalking, intimidation, and harassment of seriously-ill female owner) who did not shy from being accessory to forging strata files, Affidavits and Statutory Declarations, defrauding owners corporation, Lot 158 and insurance companies (CHU and SUU), and using lies, threats, harassment, and stalking as tools of defence.

Extract from Lot 158 SMS to Uniqueco Property Services on 14 March 2017 (Police, Local Court, NSW Fair Trading, NCAT, Supreme Court, Solicitor Adrian Mueller, and committee members were informed):



Desperate plea by Lot 158 female owner to Waratah Strata Management, committee members, and Uniqueco Property Services, which was completely ignored since 18 February 2018.

Sent: Sunday, February 18, 2018 10:21 PM

To: robert@waratahstrata.com.au

Subject: EC Meeting 7th of February [Clarification + Action Sought]

To Waratah Strata Management Team,

I am writing this letter as a plea from one human being to another, and only ask that you and your contractors manage to perform the maintenance work with quality and with respect to all of the residents.

My husband and I are owners of Lot 158 in Strata Plan 52948.

My husband has tried on numerous occasions in the past few years to inform the staff on the state of the gardens, walls and public property in relation to their disrepair.

In these attempts I have felt harassed and intimidated in the complex I live in by staff (four in particular) of the Uniqueco group.

This has become such a heightened situation that I am required (upon advice from the police) to record my movements when I am alone in the complex and feel insecure. The agenda issued on the 7th of February incorrectly indicates I video staff while they work, which is not the case.

I ask for the following:

A written confirmation that this behavior from Uniqueco group will cease

This matter will be clarified and noted at the next EC Meeting

The committee members, including Mr. Pogorelsky, were warned about problems in the complex and stalking, as email sent to Secretary of the committee Mrs. Lorna Zelenzuk (Lot 3), unfinancial without disclosure at the time, on 17 May 2017 shows:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-reply-to-Secretary-Lorna-Zelenzuk-17May2017.pdf>

In it, it said, amongst the other things:

It actually displeases me to spend my valuable time trying to engage people who have no respect for others, blatantly disregard the laws, and lack duty of care in the complex. I work on projects of high priority and financial size that none of the can even imagine.

Chasing matters in the complex are for three simple reasons:

1. To protect my and other decent people's investment,

2. To avoid special levies through proper planning of future expenses,

3. I do not tolerate lies, misconduct, disrespect of law, and different treatment of people with different backgrounds (on racial, religious, or any other basis).

If you remember, I was one of owners who voted for your EC membership in 2010. I warned you at a time that I expected you to be honest, fair, and transparent in actions, not just to me but whole owners corporation.

I also know that you were very ill some years back. Not a pleasant thing, I am sure.

So is my wife, who is more than stressed by sheer viciousness of EC members and strata agencies and cannot understand how low, primitive, and untruthful humans can be.

When my wife had serious health incident several months ago, Caretaker Mr. Steve Carbone did not even have decency to open gate for the ambulance car. He sat at his desk and watched ambulance officers carry my wife on a stretcher

down the stairs. I rushed from work to see my wife at the hospital and the first thing two ambulance officers asked me was who had employed such ignorant and unhelpful building manager. I replied that Mr. Carbone was a perfect example of people who had given him a job.

And that is just a small incident of many that my wife and I have experienced.

Lot 158 repeatedly asked strata managers and committee members to prevent unnecessary waste of common funds on legal expenses, whilst also warning about serious health issues and harassment of his wife.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-strata-manager-ignored-request-to-stop-wasting-strata-funds-on-legal-expenses-18Jun2019.pdf>

Extract from the email:

Duty of care arises where it is reasonable to expect that Lot 158 might be injured or harmed if they act or behave with a lack of care. This is called foreseeability. Just during 2018, these events occurred:

Police Event E244254697 on 26 March 2018, which ended with Lot 158 female owner being taken to emergency due to fear of stalking and intimidation with blood pressure 218/109 (she had two mild strokes 12 years ago and any stress can literally kill her – she is even excused from Jury duty due to multiple medical conditions).

Part 1 – General problems with Mr. Stan Pogorelsky membership of SP52948 executive committee

1) Mr. Pogorelsky is not a valid member of the committee, as of late January 2025, and has never been since late 1999. By forging his alleged privileges and financial status, he directly prevented Lot 158 from acting as valid committee member (refer to document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-3**).

- Most of notices of SP52948 meetings failed to disclose the following legal requirement as per SSMA 2015, Section 18 Disclosure of pecuniary interests. Free form of the requirement:

ADDRESSING CONFLICT OF INTEREST - If a strata committee member has a monetary or other interest that could raise a conflict of interest in relation to matter to be considered by the committee, this interest must be disclosed at a meeting of the committee. After a member has made this disclosure they must not be present when the particular matter is discussed and they cannot vote on the matter unless the committee resolves otherwise. Details about the potential conflict of interest need to be recorded.

- Mr. Pogorelsky, by not paying prescribed gas heating levies, and allowing the same for selective group of other owners, deliberately prevented owners corporation from collecting their rightful income.
- Mr. Pogorelsky, whilst unfinancial, not only prevented Lot 158 from acting as committee member, but also prevented co-owner of Lot 158 from access to strata documents as she paid 50% of fees for document searches and various penalties that were enforced through fraudulent activities by strata managers, committee members, and Solicitor Adrian Mueller.
- Mr. Pogorelsky, whilst unfinancial, prevented proxies given to Lot 158 to act on their behalf in various years.

1.1) Mr. Pogorelsky was well aware of Lot 158's repeated complaint about being disallowed from committee, as email on 27 November 2016 proved:

<https://www.nswstratasleuth.info/SP52948-Lot-158-response-to-Stan-Pogorelsky-27Nov2016.pdf>

Now that Ms. Sandy Quick sold her unit on 24 November 2016, and based on the fact that YOU, rest of EC members and BCS prevented my candidacy for EC membership at 2013, 2014, 2015, and 2016 AGM, you are kindly reminded to put my name back on the list, and automatically select me as new member of the Committee since one position is vacated.

1.2) FY 2013, three unfinancial members on the committee: Lot 147, Lot 181, Lot 218 (total number of candidates: 10, selected 9, three not valid, hence Lot 158 should have been automatically elected on 17 October 2012).

At Annual General Meeting on 17 October 2012, which failed to comply with strata regulations where strata manager and committee members did not allow owners to have information about it, Lot 158 had 14 votes for election on the committee, whilst out of nine other candidates three were UNFINANCIAL to vote or be elected on the committee due to unpaid levies: Mr. Stan Pogorelsky (Lot 181), Mr. Moses Levitt (Lot 147), and Mr. Jeffery Wang (Lot 218).

Strata manager received advanced Lot 158 nomination for committee as early as 22 Jun 2012, which they forwarded to Chairperson of the committee Mr. Bruce Copland.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948%20Lot%20158%20ADVANCE%20NOMINATION%20FOR%20THE%20EXECUTIVE%20COMMITTEE-22Jun2012.pdf>

At AGM 2012, Mr. Stan Pogorelsky, whilst unfinancial himself, actively allowed owners who owed \$1.46, \$2.30, and \$3.01 to be counted as valid but a year later, such owners were disallowed (double standards):

Lot 160 (owing \$2.30)

Lot 195 (owing \$1.46)

Lot 203 (owing \$3.01)

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-AGM-2012-full-paperwork.pdf>

Paperwork for committee meeting on 28 August 2013 (few days before FY 2013 ended on 31 August 2013), which strata manager and committee members did not disclose to owners, showed one vacant position in the committee:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-paperwork-committee-meeting-28Aug2013.pdf>

Lot 158 held three proxy authorisations for period of 12 months, which meant that in period from 17 October 2012 to next general meeting on 23 October 2013, Lot 158 was legal representative of owners corporation.

1.3) FY 2014.

Whilst Mr. Stan Pogorelsky (and group of other owners) secretly refused to pay correct gas heating levies, he actively prevented other owners to vote at general meetings. Extract from AGM 2013 paperwork showing three proxy votes being given to Lot 147 who was unfinancial, one proxy vote to Lot 181 who was unfinancial, six proxy votes given to fully-financial Lot 158 where two were disallowed for \$0.10 and \$5.40 outstanding levies, and number of owners who were allowed to vote (including ex-committee members Lot 3 and Lot 62) whilst unfinancial. The following owners were prevented to vote at AGM 2013, although their outstanding amount owing was small:

Lot 98 (owing \$0.10)

Lot 111 (owing \$5.40)

Lot 203 (owing \$8.66)

Lot 212 (owing \$3.87)

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-AGM-2013-full-paperwork.pdf>

1.4) FY 2015, three unfinancial members on the committee: Lot 147, Lot 181, Lot 218 (total number of candidates: 10, selected 9, three not valid, hence Lot 158 should have been automatically elected on 26 November 2014).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2014-26Nov2014.pdf>

1.5) FY 2016, four unfinancial members of the committee: Lot 3, Lot 147, Lot 181, Lot 218 (total number of candidates: 10, selected 9, four not valid, hence Lot 158 should have been automatically elected on 4 November 2015).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2015-4Nov2015.pdf>

In addition, two committee members resigned during the year, which freed two more positions for the committee.

- Mr. Raphael Hirschhorn, Lot 133, as listed in minutes of committee meeting on 21 March 2016:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/F1111187733-SP52948-Minutes-EC-meeting-21Mar2016.pdf>

- Chairperson Bruce Copland, on 11 April 2016, where he continued to send false statements about his “contributions” and equal privileges for all owners:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-202-Bruce-Copland-resignation-letter-11Apr2016.pdf>

Lot 158 issued two letters of demand to Mr. Bruce Copland to refute or confirm Lot 158 evidence on 7 October 2020 and 10 February 2022. Mr. Copland never replied or offered assistance to the Police, OLSC, NSW Fair Trading, and NCAT:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Bruce-Copland-letter-of-demand-7Oct2020.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-Letter-of-Demand-for-Bruce-Copland-7Oct2020.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-Letter-of-Demand-for-Bruce-Copland-10Feb2022.pdf>

1.6) FY 2017, five unfinancial members of the committee: Lot 3, Lot 88, Lot 147, Lot 181, Lot 218 (total number of candidates: 10, selected 9, five not valid, hence Lot 158 should have been automatically elected on 4 November 2016).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP25948-Minutes-AGM-2016-19Oct2016.pdf>

1.7) FY 2018, four unfinancial members on the committee: Lot 88, Lot 147, Lot 181, Lot 218 (total number of candidates: 11, selected 9, four not valid, hence Lot 158 should have been automatically elected on 24 October 2017).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2017-24Oct2017.pdf>

At AGM 2017, Chairperson (strata manager Mr. Robert Crosbie), with direct support by the alleged committee members, carried six proxy votes himself and then voted for Waratah Strata Management contract renewal without any competitive tender (direct conflict of interest):

Lot 12

Lot 35

Lot 106

Lot 128

Lot 136

Lot 137

1.8) FY 2019, four unfinancial members on the committee: Lot 88, Lot 147, Lot 181, Lot 218 (total number of candidates: 10, selected 9, four not valid, hence Lot 158 should have been automatically elected on 18 October 2018).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2018-18Oct2018.pdf>

1.9) FY 2020, four unfinancial members on the committee: Lot 88, Lot 147, Lot 181, Lot 218 (total number of candidates: 10, selected 9, four not valid, hence Lot 158 should have been automatically elected on 17 October 2019).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2019-17Oct2019.pdf>

1.10) FY 2021, four unfinancial members on the committee: Lot 88, Lot 147, Lot 181, Lot 218 (total number of candidates: 12, selected 9, four not valid, hence Lot 158 should have been automatically elected on 27 October 2020).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2020-22Oct2020.pdf>

In addition, one committee member resigned just two weeks after the AGM, which freed one more positions for the committee.

Mr. Moses Levitt, Lot 147, as listed in minutes of committee meeting on 11 November 2020, which Solicitor Adrian Mueller did not disclose to the Tribunal Hearing in case SC 20/33352:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-EC-meeting-11Nov2020.pdf>

1.11) FY 2022, three unfinancial members on the committee: Lot 88, Lot 181, Lot 218 (total number of candidates: 10, selected 9, three not valid, hence Lot 158 should have been automatically elected on 28 October 2021).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2021-28Oct2021.pdf>

1.12) FY 2023, three unfinancial members on the committee: Lot 88, Lot 181, Lot 218 (total number of candidates: 10, selected 9, three not valid, hence Lot 158 should have been automatically elected on 27 October 2022).

<https://www.nswstratasleuth.info/SP52948-minutes-AGM-27Oct2022.pdf>

1.13) FY 2024, three unfinancial members on the committee: Lot 88, Lot 181, Lot 218 (total number of candidates: 10, selected 9, three not valid, hence Lot 158 should have been automatically elected on 26 October 2023).

<https://www.nswstratasleuth.info/SP52948-minutes-AGM-26Oct2023.pdf>

1.14) FY 2025, three unfinancial members on the committee: Lot 88, Lot 181, Lot 218 (total number of candidates: 10 in first version and 11 in the second version sent by Waratah Strata Management 20 minutes after the first one, selected 9, three not valid, hence Lot 158 should have been elected on 28 November 2024 if defamatory and false statements had not been sent in agenda for the meeting):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-AGM-28Nov2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-AGM-2024-4Nov2024.pdf>

Extract from the agenda sent to owners:

Unfortunately, though, we live in difficult times with huge cost of living increases. We will require an increase of levies, but the 'blow-out' in the budget is largely due to the repeated actions of Lot 158, on three 'fronts':

1) Fire and Safety Order

Repeated complaints to Fire & Rescue NSW to pressure City of Ryde to issue a Fire Safety Order. Compliance with this Order comes at a very high cost - \$333,000 per year, (spread over 3 years. It should be noted that these costs are additional to obtaining the services of an independent fire engineer (already paid) as the fire order instructed.

The independent fire auditor acknowledges that councils across the country have not enforced fire safety upgrades on owners of older buildings but our upgrade, due to the age of the complex, will comply with codes and standards that have been implemented over the past 30 years.

2) Insurance.

The Fire Safety Order has had a flow on effect to our Insurance Policy. We could only obtain a six-monthly Insurance Premium which cost \$135,000 (compared to the same cost for a year in 2023.) So, we have provided as well for another \$135,000 for the next six months (in total \$270,000 for the year).

3) Legal Costs

The actions of Lot 158 have also necessitated our engagement of a lawyer, Adrian Mueller. We are forced to predict further legal costs for 2025 that could be as much as \$25,000. Adrian continues to advise the Committee of the legality of the copious, historical and often defamatory communication, (despite a By- Law to the contrary) including motions submitted to our Annual General Meeting, that are not motions (but must be checked).

The Strata Committee recently declined further mediation with Lot 158 because their complaints were resolved (legally) at a NSW Civil and Administrative Appeals Tribunal (NCAT) meeting (in 2022). All claims were dismissed, and costs awarded against the owner. The recovery of Strata legal costs used an agreed schedule of payments to our insurers from whom we claimed our legal costs. Repeating this process would only achieve the same result but further add to our Insurance and Legal costs.

In total, an additional half a million dollars has had to be provided for in this financial year's budget due to the actions of Lot 158!

Finally, it should also be noted that due to the infrequent and limited access that can legally be granted to owners, any financial discussion owners might receive from Lot 158 will always be based on outdated information (e.g. missing quarterly Strata fee deposits). Most saliently, the allegedly 'missing' money is safely invested in Term Deposits!

1.15) On 22 January 2020, strata manager Mr. Robert Crosbie used phrase "delusional" to defend his non-compliant committee elections. Mr. Pogorelsky, whilst unfinancial himself, fully supported strata manager's statements:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Robert-Crosbie-using-phrase-delusional-22Jan2020.pdf>

You may not understand the concept of a democracy, but at the legally convened Annual General Meeting a ballot was held to elect the strata committee in accordance with the Strata Schemes Management Act at which time 9 owners received 65 votes each and you received 1 vote – your own.

You must be delusional if you think you are a validly elected member of the "Executive Committee".

2) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements to CTTT in case SCS 11/00711 on 20 February 2011.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-11-00711-Stan-Pogorelsky-submission-20Feb2011.pdf>

Mr. Pogorelsky stated, among the other things:

The chairman and members of the Executive Committee (with the exception of Lot 158) have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest.

...

This Committee is made up of unit owners who have served this complex honestly and with loyalty for many years with the total support from most of the owners of units and townhouses.

We believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.

- Mr. Pogorelsky fully supported submission by Ms. Elizabeth Saulits on 14 February 2011, where she also said:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-Betty-Saulits-Submission-14Feb2011.pdf>

Extract from her submission:

As Australia is a democracy it is free decision of each owner whether to attend the meetings or not, not a dictatorship Lot 158 was educated under by Marshal Tito of Yugoslavia.

- Mr. Pogorelsky fully supported signature campaign, as organised by his close friend, who was also an unfinancial owner, Mr. Moses Levitt, on 17 February 2011:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-signature-campaign-organised-by-unfinancial-EC-member-Moses-Levitt-full-summary-17Feb2011.pdf>

Extract from his submission:

I have no concerns regarding the administration of the affairs of our Strata Plan and believe that all involved in the management carry out their duties to a good standard, that they are honest in their Endeavour's and that owners are regularly advised on matters affecting the property.

- Mr. Pogorelsky fully supported submission by an unfinancial owner, Mr. Jeffery Wang, on 9 February 2011:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-EC-member-Jeffery-Wang-submission-9Feb2011.pdf>

Extract from his submission, where he repeated the same statement as Mr. Pogorelsky:

The chairman and members of the Executive Committee (with the exception of Lot 158) have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest.

...

I believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.

- Mr. Pogorelsky fully supported submission by an unfinancial owner, Mr. Upali Aranwela, on 26 February 2011:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-EC-member-Upali-Aranwela-submission-26Feb2011.pdf>

Extract from his submission:

Frequently, at past annual general meetings there were no more than the required number of nominations to fill positions on a new committee. This resulted in almost all existing members being re-elected unopposed.

...

The committee, comprising some in employment and some retirees, perform a voluntary service without any compensation and try to give their best in time and effort.

3) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements in joint document (with other committee members) to CTTT in case SCS 11/00711 on 27 February 2011. That document shows to what extreme all nine committee members went to deceive CTTT:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-EC-joint-submission-27Feb2011.pdf>

4) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements to CTTT in case SCS 12/05845 on 10 March 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-12-05845-Stan-Pogorelsky-submission-10Mar2012.pdf>

Extract from his submission, regurgitating same statements as in CTTT case SCS 11/00711 on 20 February 2011 but this time removed the phrase “(with the exception of Lot 158)“.

The chairman and members of the Executive Committee have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest.

...

This Committee is made up of unit owners who have served this complex honestly and with loyalty for many years with the total support from most of the owners of units and townhouses.

We believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.

- Mr. Pogorelsky fully supported submission by Ms. Elizabeth Saulits on 11 March 2012:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-Betty-Saulits-Submission-11Mar2012.pdf>
- Mr. Pogorelsky fully supported submission by an unfinancial owner, Mr. Moses Levitt, on 6 March 2012:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-Moses-Levitt-submission-6Mar2012.pdf>
- Mr. Pogorelsky fully supported submission by an unfinancial owner, Mr. Jeffery Wang, on 13 March 2012:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-Jeffery-Wang-submission-13Mar2012.pdf>
- Mr. Pogorelsky fully supported submission by Mrs. Maureen McDonald on 24 February 2012:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-Maureen-McDonald-submission-24Feb2012.pdf>
- Mr. Pogorelsky fully supported submission by Mr. John Ward on 9 March 2012:
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-member-John-Ward-submission-9Mar2012.pdf>

- Mr. Pogorelsky fully supported submission by Mr. Bruce Copland (Chairperson of the committee at the time) on 10 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-EC-Chairperson-Bruce-Copland-submission-10Mar2012.pdf>

In it, he said the following, carefully withholding information that the alleged Motion was not a Special Resolution or a Special By-Law, was never applied in equitable manner (only a selected group of townhouse owners had this privilege, and some of the did not know about it for many years), was not registered as Special By-Law for 13 years after AGM 1999, and Mr. Copland did not declare that he personally enjoyed these benefits.

To the best of my knowledge and belief since September 1999 no member of the EC has had any conflict of interest with the OC or MA.

...

Lot 158 implies that Townhouse owners receive a rebate for gas and water consumption that is unauthorised. This is not true. The issue was addressed by the EC in March 1998 (at the time I was not member of the EC) and the minutes of the 1999 AGM record that all owners ratified the rebate process on 29 September 1999 (I was not chairman at the time).

Mr. Copland lied to CTTT:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-1999-29Sep1999-ratification-of-gas-water-reimbursements-without-by-law-or-special-resolution.pdf>

Motion 12

To decide whether the Owners Corporation continue to reimburse the Owners of townhouses 194-219 in connection with the water and gas usage costs payable by such owner.

Resolved that the current provision of reimbursement be ratified and continued.

Lot 158 has copies of all committee meetings in 1998, and this was reported in minutes of meeting on 17 March 1998. Mr. Copland mislead CTTT as only water supply was approved, albeit without Special Resolution or Special By-Law:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-EC-meeting-17Mar1998.pdf>

Resolved that all the Owners Corporation refund Townhouse owners the cost of water supply effective from 01.09.1997.

- Mr. Pogorelsky, whilst unfinancial, fully supported Solicitor Adrian Mueller's submission to CTTT on 13 March 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-05845-Solicitor-Adrian-Mueller-submission-13Mar2012.pdf>

5) Mr. Pogorelsky, whilst unfinancial, was one of the ringleaders in falsifying evidence in CTTT case SCS 12/50460, and knowingly allowed Solicitor Adrian Mueller to make profits at owners corporation expense.

5.1) Lot 158 opened CTTT case SCS 12/50450 as an interim order to stop Annual General Meeting 2012 due to serious misconduct was dismissed until after Annual General Meeting and CTTT forced SCS case 12/50460 to go to mediation on 10 September 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-File-SCS-12-50460-Interim-Order-Dismissed-until-more-evidence-and-mediation-attempted-again-10Sep2012.pdf>

5.2) Lot 158 sent email to Solicitor Adrian Mueller about facsimiles sent to CTTT SCS 12/32675, 12/50450, and 12/50460 on 19 October 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-made-aware-of-CTTT-case-SCS-12-50460-on-19Oct2012.pdf>

Solicitor Adrian Mueller was made aware of his false statements that Lot 158 documented in facsimile to CTTT on the same day. Solicitor never replied or corrected his fraudulent actions that greatly benefited him in financial terms:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/faxcoversheet-SCS-12-32675-False-Statement-for-Order-4-Hearing-19Oct2012.pdf>

Extract from the facsimile to CTTT:

Before the Hearing, Your Honor clearly warned about importance of presenting the FACTS and legal obligations in that regard.

At the Hearing for SCS 12/32675 on 17th of October 2012, the Solicitor Mr. Mueller, on behalf of Respondents, wrongly stated that owners of Lot 3 were absent and not able to attend the Hearing in regards to Order 4 as listed in my request (I believe he made a claim of them being overseas on holidays - the audio recording can confirm it). As a reminder, my Order 4 was:

To invalidate Special By-Law 4 (Exclusive Rights to Common Property by Owners of Lot 3) pursuant to section 159 of the Act due to invalid count and record of proxy votes and refusal to disclose public liability insurance by the owners of Lot 3 over many years.

I would be satisfied to revoke order to invalidate Special By-Law 4 if the owners of Lot 3 indemnify, and keep indemnified, the Owners Corporation in respect of all claims, action, costs, and expenses whether for injury to persons, or damage to property, arising in any way out of carrying out the works and future maintenance and the owner shall at all times keep in effect a public risk insurance policy in the sum of not less than \$5,000,000 to cover the owners obligations hereunder (as per registered By-Law, or enforced pursuant section 147 of the Act).

This Solicitor's statement had a grave consequence that we were forced to agree not to proceed with it due to owners' absence.

As a matter of fact, my request to obtain access to the public insurance details had been outstanding for the last five months and the notice about the Hearing was released by the CTTT as early as 5th of September 2012. The Respondents had a duty to prepare their evidence, or reasons for adjournment on this matter but failed to do so.

By pure coincidence, the Annual General Meeting (AGM) of SP52948 was held on the same day as our Hearing (just three hours later). To my surprise, one of the owners of Lot 3 (for whom the Special By-Law 4 applies) was PRESENT at the meeting and he claimed two things:

- That nobody told him about the Hearing;*
- That his wife provided insurance details to the managing agent.*

There are more than 40 witnesses to confirm it, including the managing agent himself and all nine members of the executive committee.

Based on that statement, I sent an email to the Solicitor Mr. Mueller (on 18th of October) and the Managing Agent (on 17th of October) to provide me with the insurance details by this morning (Friday, 19th of October). I would have been happy with any reply but got nothing at all. I very clearly stated that I need a response by today so that I can either leave it as is, or contact the CTTT.

Hence, I would like that CTTT acknowledges and investigate implications of the fact that the Order 4 at the Hearing was cancelled due to invalid statement by the Solicitor on behalf of the Respondents.

5.3) On 4 January 2013, in secret email to BCS Strata Management, committee warned the agency to find its own legal advice as it was not job of owners corporation to defend strata manager. Mr. Paul Banoob and Solicitor Adrian Mueller were part of the recipient group.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Fair-Trading-NSW-case-12-1537-Solicitor-Adrian-Mueller-involvement-on-4Jan2013.pdf>

5.4) NSW Fair Trading forwarded files to BCS Strata Management Peter Bone in CTTT SCS 12/50460 mediation events on 17 January 2013, which Solicitor Adrian Mueller received on 24 January 2024:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Fair-Trading-NSW-case-12-1537-Solicitor-Adrian-Mueller-involvement-on-24Jan2013.pdf>

5.5) On 6 March 2013, Solicitor Adrian Mueller sent letter to Fair Trading NSW claiming that he was legally representing SP52948 in mediation case SM12/1537 (precursor to CTTT file SCS 12/50460).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-50460-DFT-mediation-Solicitor-involvement-6Mar2013.pdf>

5.6) Solicitor Adrian Mueller was paid invoices which included work for mediation case SM12/1537 and CTTT case SCS 12/50460, without owners corporation approval at any general meeting, and without lawyer's Standard Costs Agreement.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-15Nov2012-BCS4527447.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-6Mar2013-BCS5064461.pdf>

5.7) On 28 March 2013, committee meeting made decision NOT to appoint Solicitor Adrian Mueller at Hearing in CTTT case SCS 12/32675 as scheduled for 15 April 2013. Six out of nine committee members voted, and of them, two were unfinancial: Mr. Stan Pogorelsky (Lot 181) and Mr. Moses Levitt (Lot 147).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-committee-meeting-28Mar2013.pdf>

Minutes stated:

That the Owners Corporation agree to appoint a representative/s to represent the Owners Corporation and attend Mediation at the Consumer, Trader & Tenancy Tribunal (CTTT) on 15th April 2013, in relation to an application lodged by the owner of Lot 158.

Defeated

When Solicitor Adrian Mueller showed up at the Hearing on 15 April 2013, Lot 158 questioned his legitimacy, both from perspective of missing Standard Costs Agreement and the committee's decision on 28 March 2013.

Solicitor Adrian Mueller then asked for break to speak to strata manager Mr. Peter Bone and when he came back about 15 minutes later, provided statement to Tribunal to the effect of:

What I wish to do is... continue with the Hearing today on proviso that I am able to tender some evidence on this issue. Evidence which I've only discovered... Material...

There's two documents: Second document is email from the Strata manager to me on 6th of August 2012 returning the signed copy of my costs agreement... and the costs agreement... signed by the strata manager on behalf of the owners corporation...

And I apply... to... tender of these documents today on the basis that I've only been informed of the challenge...

Tribunal, forced by Lot 158, then issued orders to Solicitor Adrian Mueller to provide evidence of legal engagement by 19 April 2013.

What Solicitor failed to disclose to all parties was a secret email sent to SP52948 Chairperson Mr. Bruce Copland and BCS Strata Management coercing them to provide confirmation that strata manager Mr. Garry Webb signed his Standard Costs Agreement on 25 July 2012, and suggesting to organise urgent committee meeting to approve Motions

that Solicitor personally prepared. Agenda for committee meeting scheduled for 26 April 2013 was then time-warped to happen on 19 April 2013 (a week before its schedule).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-Giving-Secret-Advice-to-Bruce-Copland-and-BCS-Strata-Management-Provide-Signed-Contract-Under-Pressure-After-CTTT-Hearing-15Apr2013.png>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52938-agenda-for-paper-EC-meeting-on-26Apr2013-sent-on-16Apr2013.pdf>

Time-warped meeting on 19 April 2013 happened seven days before due date, without any notification to owners and without agenda on notice boards. In that process, to avoid dangers of email records, strata manager, committee members, and Solicitor Adrian Mueller incurred extremely high courier costs at owners corporation expense in amount of \$851.56:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-EC-meeting-19Apr2013-sent-on-26Apr2013.pdf>

<https://www.nswstratasleuth.info/SP52948-secret-courier-expenses-for-Solicitor-Adrian-Mueller-preparing-response-to-CTTT-19Apr2013.png>

<https://www.nswstratasleuth.info/SP52948-Peter-Bone-BCS-Strata-Management-admission-of-extremely-high-courier-costs-for-Solicitor-Adrian-Mueller-without-disclosure-to-owners-and-ignored-repeated-issues-with-inequitable-reimbursements-to-selective-townhouse-owners-10Jul2013.html>

The updated Motion for decision on 28 March 2013 stated:

That the Owners Corporation agree to appoint a representative/s to represent the Owners Corporation and attend Mediation at the Office of Fair Trading (OFT) on 15 April 2013, in relation to the application lodged by the owner of Lot 158.

Defeated.

Owners and the Tribunal were coerced into believing that Solicitor Adrian Mueller was not allowed to be engaged in NSW Fair Trading case SM12/1537JR although the case had already been closed on 27 March 2013. In addition, the decision made on 28 March 2013 clearly talked about CTTT case, not NSW Fair Trading case and the date of the Hearing (15 April 2013) only matched CTTT case SCS 12/32675.

The Tribunal ultimately rejected Solicitor Adrian Mueller's defence that the meeting on 9 July 2012 which approved his engagement in CTTT case SCS 12/32675 was valid - ratification failed:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CSC-12-32675-Decision-6Nov2013-BCS6469450.pdf>

77. Initially, when the issue was raised with the Tribunal, the Owners Corporation contend that there was a resolution of the Executive Committee passed on 9 July 2012 authorising the engagement of the

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lawyers to act on behalf of the Owners Corporation in circumstances where the then estimated legal cost was less than \$12,500.00. However, at the hearing on 10 May 2013, and despite submissions made up until that time, the Owners Corporation did not press the proposition that a resolution of the Executive Committee had been passed on that day. It would seem the reason for that concession is that the email exchange constituting the calling of the meeting and the conduct of the meeting of the Executive Committee occurred in circumstances where either no notice was given as required by the Act or less than 72 hours notice was given of the proposed meeting.

84. This case is referring to a ratification of the acts of agent. Clearly the first resolution (motion 2 in the notice of meeting of 26 April 2013) is not a motion to ratify the actions of an agent or subordinate authority. Rather, it is a motion to approve the actions of the Owner Corporation through the Executive Committee taken on 9 July 2012 which the Owners Corporation has conceded in this application was not validly passed.
85. In my opinion, insofar as motion 2 sought to ratify the appointment of the lawyers to act on behalf of the Owners Corporation it was ineffective to do so. An Executive Committee cannot, in my opinion, use principles of ratification to validate an invalid resolution which the Executive Committee attempted to pass some 9 months earlier.

5.8) In spite of all involvement, Solicitor Adrian Mueller claimed not knowing about CTTT SCS 12/50460 in email sent to BCS Strata Management on 6 May 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Adrian-Mueller-pretending-not-knowing-about-CTTT-case-SCS-12-50460-untill-last-week-letter-sent-to-Strata-Manager-on-6May2013-BCS5401044.pdf>

5.9) Solicitor Adrian Mueller issued Standard Costs Agreement for CTTT case SCS 12/50460 on 6 May 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-12-50460-Solicitor-offer-for-costs-agreement-6May2013.pdf>

5.10) Letter from CTTT in file SCS 12/50460 sent to Solicitor Adrian Mueller about non-compliance order for SP52948 Secretary and Solicitor on 7 May 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-12-50460-Non-compliance-order-for-Secretary-and-Solicitor-7May2013.pdf>

5.11) Solicitor Adrian Mueller invoice charging for involvement in CTTT SCS 12/50460 mediation events at NSW Fair Trading on 10 May 2013 without owners corporation approval or Standard Costs Agreement.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-10May2013-BCS5454894.pdf>

5.12) Lot 158 repeated complaints about false representation by Solicitor Adrian Mueller and expenses in CTTT case SCS 12/50460 on 13 May 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-false-representation-by-Solicitor-and-expenses-CTTT-SCS-12-50460-stamped-copy-13May2013.pdf>

5.13) Lot 158 provided summary of owner's votes against any engagement of Solicitor Adrian Mueller to BCS Strata Management on 17 May 2013. Paul Banoob confirmed receiving it but continued to act against owners' request.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lots-against-legal-costs-ignored-by-EC-May2013.pdf>

5.14) BCS Strata Management provided false statement to Lot 98 about owners corporation engaging Solicitor Adrian Mueller not BCS Strata Management and planning how to recover Solicitors costs if CTTT case is rejected on 22 May 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/BCS-Strata-Management-Peter-Bone-explaining-to-owner-of-Lot-97-how-they-plan-to-use-either-insurance-claims-or-charge-Lot-158-for-legal-costs-22May2013.png>

5.15) BCS Strata Management requested extension of time to respond in CTTT case SCS 12/50460 and confirmed that Solicitor engagement had to be approved at Extraordinary General Meeting on 24 May 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-BCS-Strata-Management-requesting-extension-of-time-to-respond-CTTT-12-50460-and-confirmed-that-Solicitor-engagement-required-general-meeting-24May2013.pdf>

5.16) BCS Strata Management ignored Lot 158 request for Extraordinary General Meeting in May and June 2013, although he was legally valid member of the committee. Mr. Pogorelsky was personally notified about these events:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130326-ADVANCE%20NOMINATIONS%20FOR%20THE%20EXECUTIVE%20COMMITTEE%20S-28106.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130510-EXTRAORDINARY%20GENERAL%20MEETING%202013%20Documents%20for%20-30309.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130512-OFFICIAL%20REQUEST%20FOR%20RESPONSE%20for%20EGM%202013%20and%20CTT-30269.pdf>

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130514-Re_REQUEST%20FOR%20EXTRAORDINARY%20GENERAL%20MEETING%20AND%20U-30297.pdf

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130520-UPDATE%20VOTES%20AGAINST%20THE%20ENGAGEMENT%20OF%20SOLICITOR%20-30387.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130610-SUMMARY%20OFFICIAL%20REQUEST%20FOR%20RESPONSE%20for%20EGM%20201-30409.pdf>

5.17) Mr. Pogorelsky, whilst unfinancial, supported joint submission to CTTT on 24 June 2013, continuing to mislead the Tribunal and owners:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-50460-EC-joint-submission-24Jun2013.pdf>

5.18) Lot 158 repeated requests to Solicitor Adrian Mueller to return files due to false representation by Solicitor Adrian Mueller in CTTT SCS 12/50460 on 14 May 2013, 1 June 2013, 12 August 2020, and 1 August 2020.

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130601-Re_OFFICIAL%20REQUEST%20on%2010%20May%202013%20Immediate%20retu-30397.pdf

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-repeated-request-to-Solicitor-Adrian-Mueller-to-return-private-property-12Aug2020.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Lot-158-response-to-Solicitor-Adrian-Mueller-for-defamation-concerns-notice-21Oct2020.pdf>

5.19) Lot 158 provided Folder with 12 submission in CTTT case SCS 12/50460 with evidence of illegal engagement of Solicitor Adrian Mueller on 4 June 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-12-50460-Folder-12-Solicitor-engagement-illegal-signsheet-4Jun2013.pdf>

5.20) Lot 158 requested to access strata files for CTTT file SCS 12/50460 on 5 June 2013. Mr. Moses Levitt email confirming he was fully aware of Lot 158 rights to access strata files on 5 June 2013. Files were not provided to Lot 158.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-EC-member-Lot-147-Moses-Levitt-fully-aware-of-Lot-158-rights-to-access-strata-files-5Jun2013.png>

5.21) Tribunal published their decision in CTTT case SCS 12/50460 decision on 2 September 2013. The same day, Chairperson of the committee Mr. Bruce Copland confirmed that Solicitor Adrian Mueller was not engaged for CTTT 12/50460 on 2 September 2013. Email recipients:

Mr. Peter Bone
Mr. Paul Banoob
Mr. John Ward
Mr. Moses Levitt (Lot 147, unfinancial owner)
Mr. Stan Pogorelsky (Lot 181, unfinancial owner)
Mrs. Maureen McDonald
Mr. Jeffery Wang (Lot 218, unfinancial owner)
Mr. Rafael Hirschorn

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-12-50460-decision-2Sep2013-BCS6039167.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Chairperson-confirming-Solicitor-Adrian-Mueller-not-engaged-for-CTTT-12-50460-2Sep2013.png>

6) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, submitted false statements in joint document (with other committee members) to CTTT in case SCS 12/50460 on 24 June 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-12-50460-EC-submission-24Jun2013.pdf>

7) Mr. Pogorelsky, whilst unfinancial without disclosure owners and the Tribunal, fully supported false statements by Solicitor Adrian Mueller in NCAT case SC 20/33352, prepared on 14 December 2020 but served to Tribunal month later on 18 January 2021.

Location: file:///tmp/SP52948-NCAT-20-33352-Solicitor-Adrian-Mueller-Submission-18Jan2021.pdf
Author: Karen Gillies
Producer: Aspose.Words for .NET 18.4
Creator: Microsoft Office Word
Created: Mon 14 Dec 2020 00:55:00
Modified: Thu 24 Dec 2020 00:43:00
Format: PDF-1.5
Number of Pages: 4
Optimised: No
Security: No
Paper Size: A4, Portrait (210 × 297 mm)
Contains Javascript: No
Size: 83.4 kB

<https://www.nswstratasleuth.info/SP52948-Solicitor-Adrian-Mueller-false-statement-to-NCAT-SC-20-33352-prepared-on-14Dec2020-but-served-to-Tribunal-month-later-on-18Jan2021.png>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-NCAT-20-33352-Solicitor-Adrian-Mueller-Submission-18Jan2021.pdf>

Strata manager and committee members prevented owners from having access to Lot 158 documents, his Statutory Declaration, and copies of NCAT case, and then made the following statement to the Tribunal:

The numerous allegations made by the applicants are denied by the Owners Corporation. Importantly, there is no evidence that any other owner in the strata scheme of the Owners Corporation (which contains over 200 lots) has made any of the allegations levelled by the applicants or expressed any of the concerns that are held by the applicants.

7.1) Waratah Strata Management and committee members failed to disclose these documents (too many to list herewith) to owners before, at, and after NCAT case SC 20/33352, whilst engaging in fraudulent activities:

<https://www.sp52948-news.info/SP52948-NCAT-case-SC-20-33352-dismissal-without-looking-at-evidence.html>

<https://www.sp52948-news.info/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

<https://www.sp52948-news.info/Lot-158-letter-to-NCAT-20-33352-1Feb2021.pdf>

<https://www.sp52948-news.info/Lot-158-submission-to-court-strong-case-for-Solicitor-Adrian-Mueller-being-accessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf>

7.2) In his belated single document (4-pages) submission to NCAT on 18 January 2021, Solicitor Adrian Mueller provided false statement that committee members and Waratah Strata Management did not receive access to Lot 158 secure website document. That lie is easy to refute – these are emails sent by Lot 158 to each committee member (Mr. Robert Crosbie from Waratah Strata Management refused to provide email address of Mrs. Marianna Paltikian):

SUMMARY: NCAT SC 20/33352 and files for John Gore	25/9/20, 15:52
SUMMARY: NCAT SC 20/33352 and files for Stan Pogorelsky	25/9/20, 15:53
SUMMARY: NCAT SC 20/33352 and files for Moses Levitt	25/9/20, 15:55
SUMMARY: NCAT SC 20/33352 and files for Thomas Karolewsky	25/9/20, 15:57
SUMMARY: NCAT SC 20/33352 and files for Jeffery Wang	25/9/20, 15:59
Fwd: SUMMARY: NCAT SC 20/33352 and files for EC members	25/9/20, 16:09

7.3) Solicitor Adrian Mueller also hid information that Waratah Strata Management failed to notify all owners and provide them with all legal files, as per Lot 158 email to Mr. Robert Crosbie on 29 September 2020 at 12:13 hours (this account was disabled after NCAT Hearing).

7.4) Solicitor Adrian Mueller also hid information that he failed to comply with Waratah Strata Management request to review Lot 158 website, as per secret email on 23 October 2020, whilst also trying to initiate defamation case on 13 August 2020.

7.5) Solicitor Adrian Mueller further coerced NCAT to not allow delays of the proceedings because it would “prejudice” owners as strata manager and committee members (who had six months to prepare) did not do it:

- 14 Mr Mueller further submitted that if leave was rescinded at the hearing it would prejudice the ability of the owners corporation to present its case, as the strata manager and strata committee members had not prepared on the basis that they may have to present the case for the owners corporation at the hearing.

7.6) In the end, NCAT simply ignored Lot 158 evidence, based on fact that strata manager and committee members refused to view Lot 158 submitted files:

- 27 The applicant's documents also contained purported links to websites that Lot 158 asserted supported his complaints against certain strata committee members; Mr Mueller; and the strata manager.
- 28 The Tribunal did not investigate any of the links provided by Lot 158 as it would have been clearly procedurally unfair to the owners corporation for the Tribunal to view material which had not been filed and served in the proceedings and which the owners corporation could not see at the hearing as the hearing was conducted by telephone.

7.7) On 23 November 2024, Waratah Strata Management (Cc-ed to Uniqueco Property Services and several committee members), was asked to prepare responses (with evidence) for AGM 2024. Waratah Strata Management needed to prepare additional information:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20241123-SUMMARY%20Owners%20prevented%20from%20having%20notice-board%20-188.pdf>

- How did Waratah Strata Management comply with order at committee meeting on 7 May 2020 to sign the costs agreement of barrister under common seal for and on behalf of the Owners Corporation, who was requested to respond to the letter received from O'Brien Criminal & Civil Solicitors?

The alleged Barrister (Mr. Hussein Elachkar), Solicitor Adrian Mueller, strata managers, and committee members never complied with this decision at the committee meeting.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/IMMEDIATE%20RESPONSE%20REQUESTED%20for%20Lot%20158%20demands-21Oct2020.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Request%20ignored%20by%20Hussein%20Elachkar%20for%20details%20of%20his%20Standard%20Costs%20Agreement%2028Jun2022.pdf>

- How did Waratah Strata Management confirm that there was no conflict of interest by Solicitor Adrian Mueller in email on 21 June 2019, when Solicitor was asked to "help" with obtaining copy of USB key which Police lost a year earlier without disclosure to any owner?

- How did Waratah Strata Management (email by Solicitor Adrian Mueller on 9 June 2022) engage independent legal advice about Lot 158 serious allegations of Solicitor Adrian Mueller's misconduct and what was the outcome of such activity?

7.8) Misconduct of NCAT was detailed in this document:

<https://www.nswstratasleuth.info/Tribunal-ignored-voluminous-concerns-and-irrefutable-evidence-of-repetitive-misconduct-of-Solicitor-Adrian-Mueller-in-NCAT-case-20-33352-Apr2021.pdf>

8) Mr. Pogorelsky, whilst unfinancial without disclosure to owners and the Tribunal, fully supported Solicitor Adrian Mueller acting in non-compliance with Tribunal orders six times, causing excessive costs and delays, whilst not providing any evidence and even submitting false statements:

8.1) CTTT Directions Hearing in case SCS 12/32675 on 8 August 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-32675-Directions-Hearing-Decision-8Aug2012.pdf>

<https://www.nswstratasleuth.info/NSW-Civil-Tribunal-failing-to-deliver-services.html>

8.2) CTTT Directions Hearing orders in case SCS 12/32675 on 13 September 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-J-Mueller-CTTT-Letter-13Sep2012.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-File-SCS-12-32675-Hearing-Confirmed-Second-Time-13Sep2012.pdf>

8.3) CTTT Directions Hearing orders in case SCS 12/32675 on 9 October 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-File-SCS-12-32675-Non-Compliance-Documents-from-Respondents-9Oct2012.pdf>

8.4) CTTT non-compliance orders in case SCS 12/50460 on 7 May 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-12-50460-Non-compliance-order-for-Secretary-and-Solicitor-7May2013.pdf>

8.5) NCAT non-compliance in case SC 20/33352 on 29 November 2020.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-20-33352-as-of-29Nov2020.pdf>

8.6) NCAT non-compliance in case SC 20/33352 on 1 February 2020.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Lot-158-belated-rensponse-to-NCAT-due-to-lack-of-action-by-Solicitor-Adrian-Mueller-1Feb2021.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-20-33352-Applicant-letter-1Feb2021.pdf>

9) Mr. Pogorelsky, whilst unfinancial without disclosure to the Tribunal, District Court, and Supreme Court, caused direct losses to Lot 158 in two civil cases and declined to assist with the Police investigations, whilst fully supporting Solicitor Adrian Mueller (who actively prevented Office of Legal Services Commissioner from their own investigations):

<https://www.nswstratasleuth.info/Brief-summary-of-complaints-for-lack-of-actions-by-Office-of-Legal-Services-Commissioner-of-Solicitor-Adrian-Mueller-misconduct-and-corruption-public-version-Nov2022.pdf>

Lot 158 Payments to SP52948 for alleged legal costs of Solicitor Adrian Mueller in CTTT case SCS 12/32675			
Item	Date	Amount	CHU Insurance recovered part of claims from SP52948
Lot 158 payment to SP52948 account	13 February 2014	\$10,000.00 (GST excl)	Cheque given to Solicitor Adrian Mueller in person who was then witnessed to pass it on to Chairperson Mr. Bruce Copland promptly
Lot 158 payment to SP52948 account – instalment 2	3 March 2014	\$16,500.00 (GST excl)	Cheque sent by Australia Post registered letter
Lot 158 total payments		\$26,500.00 (GST excl)	

Lot 158 Payments to SP52948 for alleged legal costs of Solicitor Adrian Mueller in NCAT case SC 20/33352			
Item	Date	Amount	SUU Insurance recovered part of claims from SP52948
Lot 158 payment to SP52948 account 182-222 2128 4383 3 – instalment 1	2 July 2022	\$5,000.00 (GST excl)	SUU Insurance was paid back \$4,545.45 (GST excl) on 8 August 2022, (delay of 37 days, keeping money from Lot 158 and SUU Insurance for the same legal expenses)
Lot 158 payment to SP52948 account 182-222 2128 4383 3 – instalment 2	27 September 2022	\$5,000.00 (GST excl)	SUU Insurance was paid back \$4,545.45 (GST excl) on 28 September 2022
Lot 158 payment to SP52948 account 182-222 2128 4383 3 – instalment 3	3 January 2023	\$5,000.00 (GST excl)	SUU Insurance was paid back \$4,545.45 (GST excl) on 21 February 2023, (delay of 49 days, keeping money from Lot 158 and SUU Insurance for the same legal expenses)
Lot 158 payment to SP52948 account 182-222 2128 4383 3 – instalment 4	3 April 2023	\$5,000.00 (GST excl)	SUU Insurance was paid back \$1,281.25 (GST excl) on 4 April 2023
Lot 158 payment to SP52948 account 182-222 2128 4383 3 – instalment 5	4 July 2023	\$3,744.72 (GST excl)	
Lot 158 total payments		\$23,744.72 (GST excl)	

Police Event 174560202

Direct losses to Lot 158 through premeditated fraudulent actions by Solicitor Adrian Mueller in NCAT case SC 20/33352

a) Solicitor Adrian Mueller initiated costs recovery against Lot 158 on 12 July 2021.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor%20Adrian%20Mueller%20Bundle%20of%20Invoices-as-received-on-12Jul2021.pdf>

b) Lot 158 responded to him and CC-ed to a group of committee members on 19 July 2021.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Lot-158-response-to-Solicitor-Adrian-Mueller-19Jul2021.pdf>

c) Solicitor did not reply for seven months and Lot 158 lodged a complaint to NCAT on 2 February 2022.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Lot-158-complaint-to-NCAT-about-Solicitor-Adrian-Mueller-refusal-to-settle-cost-dispute-2Feb2022.pdf>

d) Day later, Lot 158 notified committee members.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Lot-158-email-to-SP52948-committee-members-3Feb2022.pdf>

e) Instead of a response to Lot 158, Solicitor Adrian Mueller submitted his alleged costs as \$25,158.14 (GST excl) to two parties on or around 7 February 2022, without owners corporation approval or knowledge:

Secretly to SUU Insurance (through BCB Broker) around 7 February 2022, and Supreme Court on 7 February 2022 (without disclosure of insurance claim to Supreme Court Costs Assessor).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-undisclosed-plan-to-Insurance-company-and-Supreme-Court-for-Solicitor-Adrian-Mueller-legal-costs-claims-4Mar2022.png>

[https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor%20Adrian%20Mueller%20Supreme%20Court%20Costs%20Assessment%20Application%20\(for%20service\)-7Feb2022.pdf](https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor%20Adrian%20Mueller%20Supreme%20Court%20Costs%20Assessment%20Application%20(for%20service)-7Feb2022.pdf)

f) Like in CTTT case SCS 12/32675 in December 2012, Solicitor Adrian Mueller initiated Supreme Court Costs Recovery without owners corporation decision at any meeting as evidence of committee meeting on 10 February 2022 confirmed. Strata Plan SP52948 committee meeting dated 10 February 2022, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW). Agenda was created on 7 February 2022 and scheduled for 10 February 2022. Excluding date of creation, meeting date, and weekend, ONLY two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years. Agenda was not detailed and there was no mention of Solicitor's Supreme Court case.

Strata Plan SP52948 committee meeting dated 3 March 2022, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW). Agenda was created on 25 February 2022 and scheduled for 3 March 2022. Excluding date of creation, meeting date, and the weekend, ONLY three days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years. Agenda was not detailed, as required by SSMA 2015 and was not sent to Lot 158. Committee Meeting on 3 March 2022 did not disclose the expenses accrued by Solicitor Adrian Mueller. Lot 158 requested that owners be notified about current status of NCAT case and Solicitor's engagement, but Waratah Strata Management and committee members declined. Legal costs had six versions of total expenses for Solicitor Adrian Mueller's alleged work. This was proposed to the committee for inclusion in the Agenda on the meeting scheduled for 3 March 2022, but not allowed by Waratah Strata Management. Solicitor Adrian Mueller was requested to respond about this meeting and he attempted to justify it in email to Supreme Court Costs Assessor on 20 April 2022.

<https://www.nswstratasleuth.info/SP52948-non-compliant-committee-meeting-10Feb2022.pdf>

<https://www.nswstratasleuth.info/SP52948-minutes-EC-meeting-10Feb2022.pdf>

<https://www.nswstratasleuth.info/SP52948-notice-of-committee-meeting-sent-on-25Feb2022-for-meeting-on-3Mar2022.pdf>

<https://www.nswstratasleuth.info/SP52948-non-compliant-committee-meeting-3Mar2022.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor-Adrian-Mueller-secretly-initiated-legal-cost-recovery-without-owners-corporation-knowledge-or-approval-in-spite-of-already-paid-two-insurance-claims-10Dec2012.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-cost-submission-reply-27Feb2022.pdf>

g) On 7 February 2022, BCB Insurance Broker Samuel Lawrence confirmed that insurance company (AIG) reviewed the bill of costs in amount of \$25,158.14 (GST excl) which had exceeded limit of \$25,000.00 set by the insurer.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-undisclosed-plan-to-Insurance-company-and-Supreme-Court-for-Solicitor-Adrian-Mueller-legal-costs-claims-4Mar2022.png>

h) On 4 March 2022, insurance company rejected some expenses for Solicitor Adrian Mueller:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-undisclosed-plan-to-Insurance-company-and-Supreme-Court-for-Solicitor-Adrian-Mueller-legal-costs-claims-item-3-25Mar2022.png>

i) On 25 March 2022, strata manager secretly shared their plan to repay insurance company only part of the claims if they won the Supreme Court case against Lot 158:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Waratah-Strata-Management-received-insurance-funds-for-Solicitor-Adrian-Mueller-legal-costs-with-plan-to-only-repay-part-of-it-if-they-recover-costs-from-Lot-158-25Mar2022.png>

j) On 25 March 2022, after paying for most of Solicitor's legal claims, insurance company and broker voiced concerns about claims and risks, which Solicitor Adrian Mueller withheld from Supreme Court Costs Assessor.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-undisclosed-plan-to-Insurance-company-and-Supreme-Court-for-Solicitor-Adrian-Mueller-legal-costs-claims-25Mar2022.png>

k) Insurance company paid \$19,758.14 (GST excl) on 24 March 2022 (just six days after Supreme Court Barrister Julie Wright's initial correspondence on 18 March 2022), as confirmed in secret email from Waratah Strata Management to committee members on 25 March 2022.

<https://www.nswstratasleuth.info/SP52948-Income-and-Expenditure-Report-1Sep2021-to-25Mar2022.pdf>

WARATAH

Strata Management

Waratah Strata Management

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Income & Expenditure Report

for the financial year-to-date

01/09/2021 to 24/03/2022

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113

Administrative Fund

Current period
01/09/2021-24/03/2022

Previous year
01/09/2020-31/08/2021

Revenue

141900 Gas - Additional Service

0.00

2,573.52

142500 Interest on Arrears-Admin

821.92

1,500.86

142800 Key Deposits

292.00

702.00

143000 Levies Due-Admin

362,502.16

700,000.00

146500 Status Certificate Fees

872.00

763.00

147000 Strata Roll Inspection Fees

186.00

155.00

Total revenue

364,674.08

705,694.38

WARATAH

Strata Management

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for the financial year-to-date

01/09/2021 to 25/03/2022

Strata Plan 52948

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1,500.86

142800 Key Deposits

292.00

702.00

143000 Levies Due-Admin

362,502.16

700,000.00

146500 Status Certificate Fees

872.00

763.00

147000 Strata Roll Inspection Fees

186.00

155.00

Total revenue

384,432.22

705,694.38

l) SUU Insurance got reimbursed one year later for \$14,917.60 (GST excl) when Lot 158 paid Supreme Court "penalty" in amount of \$23,744.42 (GST excl) for the same Solicitor's claim (\$25,158.14 (GST excl)).

m) There are six versions of alleged legal expenses for Solicitor Adrian Mueller in NCAT case SC 20/33352

- First version of total legal expenses for Solicitor Adrian Mueller: in his letter dated 12 July 2021 he made claim of \$15,015.00 (excl GST), representing 75% of the actual legal costs the owners corporation incurred in the proceedings (he listed total figure of \$20,020.00 (GST excl); Solicitor included invoice dated 19 May 2021 in amount of \$3,198.75 which was not part of NCAT case (defamation attempt): \$15,015.00 (excl GST) on 12 July 2021

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor%20Adrian%20Mueller%20Bundle%20of%20Invoices-as-received-on-12Jul2021.pdf>

- Second version of total costs for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$23,142.87 (GST excl); the figure does not match invoices on pages 14 to 17 which amount to \$23,376.65 for all expenses for Solicitor Adrian Mueller; expenses for Barrister Hussein Elachkar are not listed on page 108 although they existed on page 14 for 20 November 2020 in amount of \$1,218.75: \$23,142.87 (GST excl) on 7 October 2021

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-for-AGM-2021-7Oct2021.pdf>
- Third version of total expenses for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17), without defamation costs for Barrister Hussein Elachkar, without defamation costs for Solicitor Adrian Mueller, and without Solicitor's costs for preventing Lot 158 Motions for general meeting in FY 2021 which were not part of NCAT proceedings: \$17,064.40 (GST excl) on 7 October 2021

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-for-AGM-2021-7Oct2021.pdf>
- Fourth version of total expenses as listed by Waratah Strata Management in their agenda for Annual General Meeting on pages 14 to 17 sent on 7 October 2021, if defamation costs for Barrister Hussein Elachkar and Solicitor Adrian Mueller are added, and Solicitor's costs for preventing Lot 158 Motions for general meeting are included too, they amounted to \$24,595.40 (GST excl). Total amounts for alleged defamation and review of Lot 158 Motions for AGM 2020 were not part of NCAT case SC 20/33352: \$7,531.00 (GST excl). These expenses are hidden in Solicitor' Adrian Mueller's invoices: \$24,595.40 (GST excl) on 7 October 2021

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-for-AGM-2021-7Oct2021.pdf>
- Fifth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his FIRST Supreme Court Costs Assessment Application on page 3 on 7 February 2022 (no GST is claimed on the costs that are the subject of this costs assessment as the Costs Applicant is registered for GST and entitled to an input tax credit in respect of those costs), Solicitor Adrian Mueller claimed costs of \$25,158.14 (GST excl) including disbursements: \$25,158.14 (GST excl) on 7 February 2022

[https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor%20Adrian%20Mueller%20Supreme%20Court%20Costs%20Assessment%20Application%20\(for%20service\)-7Feb2022.pdf](https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor%20Adrian%20Mueller%20Supreme%20Court%20Costs%20Assessment%20Application%20(for%20service)-7Feb2022.pdf)
- Sixth version of total expenses for Solicitor Adrian Mueller: in his FINAL Supreme Court Costs Assessment Application on 25 March 2022, Solicitor Adrian Mueller claimed costs of \$24,694.72 (GST excl) including disbursements; there is no evidence that SUU Insurance ever received this amended version from Solicitor Adrian Mueller: \$24,694.72 (GST excl) on 25 March 2022

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor%20Adrian%20Mueller%20Tax%20Invoices%20Bundle-25Mar2022.pdf>

Final version of losses to Lot 158 when Lot 181 is confirmed as unfinancial to vote and be a committee member, taking Lot 158 place illegally	\$23,744.72 (GST excl)
Final versions of losses to Lot 158 if all Solicitor's expenses are accepted	\$6,890.90 (GST excl) (duplicate payments by SUU Insurance and Lot 158 for same Solicitor's invoices)
Final versions of losses to Lot 158 alleged defamation and review of Lot 158 Motions for AGM 2020 are excluded (not part of NCAT case SC 20/33352)	\$14,421.90 (GST excl) (duplicate payments by SUU Insurance and Lot 158 for same Solicitor's invoices)

Police Event E65804633

Direct losses to Lot 158 through premeditated fraudulent actions by Solicitor Adrian Mueller in NCAT case SCS 12/32675

a) Four insurance claims for non-existent “Defence of Lot 3” after secret insurance policy change several weeks before the first claim. CHU Insurance paid \$24,919.31 (GST excl) in total. Four years later, CHU Insurance forced recovery of \$8,800.00 from SP52948.

<https://www.nswstratasleuth.info/SP52948-Lot-3-all-four-insurance-claims-NH201212589.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Timeline-CTTT-SC-12-33352-insurance-claims.pdf>

b) Anonymous death threat against Lot 158 on 26 February 2013. Solicitor actively worked and charged SP52948 for his services on that day in his secret invoice 60252 (never provided to any owner) on 6 March 2013. By that time, Lot 158 and his wife already had other anonymous threats, some reported without any action by the Police.

c) Six versions of Solicitor’s Standard Costs Agreement, of which four were forgeries.

- 28 August 2012
Solicitor Adrian Mueller’s Standard Costs Agreement: BCS Strata Management insurance claim submitted for alleged “Defence of SP52948 Lot 3” and losses dated 8 August 2012, without Solicitor Adrian Mueller’s Standard Costs Agreement signed by SP52948 authorisation. Solicitor Adrian Mueller never provided this document to CTTT and District Court

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Standard-Costs-Agreement-without-signature-by-strata-manager-in-insurance-claim-for-his-costs-on-10Aug2012.pdf>

- 17 October 2012
Solicitor Adrian Mueller attended CTTT Hearing without evidence of his Standard Costs Agreement signed by SP52948 authorisation. Solicitor brought no evidence and even lied to the Tribunal by stating that Lot 3 could not attend it because they were allegedly overseas. The same evening was SP52948 Annual General Meeting and Lot 3 was physically present. Lot 158 sent a facsimile to CTTT complaining about Solicitor’s lies.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/faxcoversheet-SCS-12-32675-False-Statement-for-Order-4-Hearing-19Oct2012.pdf>

- 29 January 2013
Solicitor Adrian Mueller’s personally presented to CTTT his Standard Costs Agreement without SP52948 authorised signature

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-SCS-12-32675-Solicitor-evidence-for-cost-one-day-late-29Jan2013.pdf>

- 15 April 2013
At CTTT hearing, Lot 158 questioned legal right for Solicitor Adrian Mueller to represent SP52948, noting that his Standard Costs Agreement provided to CTTT on 29 January 2013 did not have signature on behalf of owners corporation and that minutes of committee meeting dated 28 March 2013 did not approve Solicitor’s engagement.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-32675-certified-audit-recording-part-1-15Apr2013.mp3>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-32675-certified-audit-recording-part-2-15Apr2013.mp3>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-12-32675-certified-audit-recording-part-3-15Apr2013.mp3>

Solicitor Adrian Mueller then asked for break to speak to strata manager Mr. Peter Bone and when he came back about 15 minutes later, provided statement to Tribunal to the effect of:

What I wish to do is... continue with the Hearing today on proviso that I am able to tender some evidence on this issue. Evidence which I’ve only discovered... Material...

There's two documents: Second document is email from the Strata manager to me on 6th of August 2012 returning the signed copy of my costs agreement... and the costs agreement... signed by the strata manager on behalf of the owners corporation...

And I apply... to... tender of these documents today on the basis that I've only been informed of the challenge...

What Solicitor failed to disclose to all parties was a secret email sent to SP52948 Chairperson Mr. Bruce Copland and BCS Strata Management coercing them to provide confirmation that strata manager Mr. Garry Webb signed his Standard Costs Agreement on 25 July 2012, and suggesting to organise urgent committee meeting to approve Motions that Solicitor personally prepared. Agenda for committee meeting scheduled for 26 April 2013 was then time-warped to happen on 19 April 2013 (a week before its schedule):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-Giving-Secret-Advice-to-Bruce-Copland-and-BCS-Strata-Management-Provide-Signed-Contract-Under-Pressure-After-CTTT-Hearing-15Apr2013.png>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52938-agenda-for-paper-EC-meeting-on-26Apr2013-sent-on-16Apr2013.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-EC-meeting-19Apr2013-sent-on-26Apr2013.pdf>

- 19 April 2013
Solicitor Adrian Mueller and strata Manager Mr. Peter Bone submitted Solicitor's Standard Costs Agreement with SP52948 authorised signature Standard Costs Agreement (by strata manager Mr. Gary Webb) allegedly dated 25 July 2012; Solicitor Adrian Mueller prepared full Statutory Declaration for Mr. Peter Bone and was personally responsible for its contents
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-25Jul2012-and-provided-to-CTTT-nine-months-later-on-19Apr2013.pdf>
- 13 June 2017
Solicitor's Standard Costs Agreement with SP52948 authorised signature Standard Costs Agreement allegedly signed by strata manager Mr. Paul Banoob on 17 July 2012; this document was deliberately hidden by Solicitor Adrian Mueller and never provided to CTTT and District Court; Lot 158 found this file during document search at Waratah Strata Management five years later on 13 June 2017
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-17Jul2012-and-kept-secret-from-CTTT.pdf>
- Mr. Peter Bone email to Lot 98 on 22 May 2013, claiming that Solicitor Adrian Mueller was not engaged by BCS Strata Management, which directly conflicted with his own Statutory Declaration on 19 April 2013 that BCS Strata Management allegedly signed Standard Costs Agreement on 25 July 2012. The email also confirmed plans how to use insurance claims in case CTTT case failed:

The engagement of lawyers was a decision of the Owners Corporation, not our office.

Attendance at CTTT hearings is a responsibility of the Owners Corporation, not our office, though representatives of our office may attend such hearings for the purpose of providing information, if so requested by the Owners Corporation (personally we would prefer not to have to attend CTTT at any time).

In relation to the monies spent by the Owners Corporation on engaging a lawyer to defend the various CTTT applications lodged by Lot 158:

- The Strata Scheme's insurance policy provides up to \$50,000.00 of coverage for legal defence claims. Our office has already lodged a claim against this policy, and has been advised by the insurance company that they have accepted this claim.

- The Owners Corporation has itself lodged an application with the CTTT seeking the awarding of costs against Lot 158 to cover the expenses incurred by the Owners Corporation in engaging a lawyer to defend the Owners Corporation. Should this application not be successful, the Owners Corporation will still be covered by the insurance claim. If this application is successful, both the Owners Corporation and the scheme's insurance company will be able to recover (all or part) of these expenses, with the insurance company still meeting the claim

and paying out the difference to the Owners Corporation.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/BCS-Strata-Management-Peter-Bone-explaining-to-owner-of-Lot-97-how-they-plan-to-use-either-insurance-claims-or-charge-Lot-158-for-legal-costs-22May2013.png>

d) Falsified statements made by Solicitor Adrian Mueller in Statutory Declaration on behalf of strata manager Peter Bone to CTTT in case SCS 12/32675 on 19 April 2013, and false statements Solicitor Adrian Mueller presented in Affidavit to District Court in case 13/360456 on behalf of strata manager Peter Bone on 31 January 2014.

<https://www.nswstratasleuth.info/SP52948-strata-manager-Peter-Bone-Statutory-Declaration-for-CTTT-case-12-32675-fully-prepared-by-Solicitor-Adrian-Mueller-and-signed-on-19Apr2013.pdf>

<https://www.nswstratasleuth.info/Affidavit-by-BCS-Strata-Management-Peter-Bone-represented-by-Solicitor-Adrian-Mueller-to-District-Court-case-2013-360456-31Jan2014.pdf>

<https://www.nswstratasleuth.info/District-Court-case-13-360456-Lot-158-Affidavit-ignored-by-Solicitor-Adrian-Mueller-4Feb2014.pdf>

e) Refusal by Solicitor to co-operate with Police investigations in 2018 (confirmed in Detective A/Inspector Steve Benson's email on 22 August 2018), knowing that his actions would deliberately obstruct Police work and knowing that eight emails he had listed in Statutory Declaration were falsified.

[https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20180822-Re_E65804633%20for%20Detective%20Sergeant%20Benson%20on%2021Aug2018%20\[DLM=For-Official-Use-Only\]-20128.pdf](https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20180822-Re_E65804633%20for%20Detective%20Sergeant%20Benson%20on%2021Aug2018%20[DLM=For-Official-Use-Only]-20128.pdf)

Final version of losses to Lot 158 when Lot 181 is confirmed as unfinancial to vote and be a committee member, taking Lot 158 place illegally	\$26,500.00 (GST excl)
Final version of losses to Lot 158 if his allegations of Solicitor's fraud and falsified evidence to courts are confirmed	\$26,500.00 (GST excl)
Final versions of losses to Lot 158 if his allegations of Solicitor's fraud and falsified evidence to courts are dismissed	\$24,919.31 (GST excl) until March 2017 (duplicate payments by CHU Insurance and Lot 158 for same Solicitor's invoices), or \$16,119.31 (GST excl) in period since March 2017 when CHU Insurance recovered \$8,800.00 from SP52948

10) Mr. Pogorelsky, whilst unfinancial, was direct accessory to Solicitor Adrian Mueller's premeditated fraud and falsification of files in official legal documents and insurance claims in CTTT case SCS 12/32675.

10.1) 1 August 2012: Secret correspondence between Brian Turpin (CHU Insurance) and Mark Thirgood (AJG Insurance Broker) confirmed that SP52948 did not have any legal representative on that day and CHU Insurance could not appoint their solicitor to the insurance claim, whilst confirming they would add insurance policy for legal expenses. **This, by itself, shows that alleged signed version of Solicitor Adrian Mueller's Standard Costs Agreement could not have been signed on 25 July 2012:**

From: Brian Turpin [mailto:BrianT@chu.com.au]
Sent: Wednesday, 1 August 2012 3:33 PM
To: Mark Thirgood
Subject: Strata Plan 52948 - Policy 9 legal defence costs

2

Our Ref NH201212589

Good afternoon Mark.

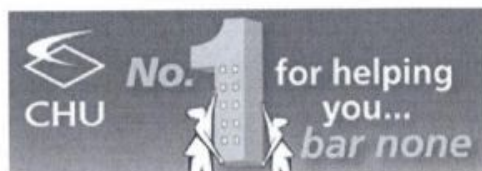
We will extend indemnity to the Insured under Policy 9. C) in this instance for Legal expenses Incurred in the legal advice sort in defence of the appeal.

We are not in a position to appoint legal representation on behalf the Insured in these circumstances.

Upon further approach under the claim, could we please have a copy of the Legal advice and costs summary.

Kind Regards,

Brian Turpin
Claims Consultant



CHU Underwriting Agencies Pty Ltd
Level 5, 1 Northcliff Street
Milsons Point NSW 2061
P 02 8923 5330
F 02 8923 5365 W www.chu.com.au

From: Brian Turpin [mailto:BrianT@chu.com.au]
Sent: Wednesday, 1 August 2012 4:22 PM
To: Mark Thirgood
Subject: RE: Strata Plan 52948 - Policy 9 legal defence costs

1

Hi Mark

We would not refer this matter through to our Company's Lawyers nor do we impose a rate scale

We thought being a large risk that they would be in contact with a Strata Lawyer.

They can seek advice through the SCA (Strata Committee Australia).

Two others come to mind, Bannermans and the other, Le Page.
Both deal in Strata Law.

Kind Regards,

Brian Turpin | Claims Consultant
CHU Underwriting Agencies Pty Ltd | P 02 8923 5330 | W www.chu.com.au

10.2) 15 April 2013: Straight after CTTT Hearing on 15 April 2013, Solicitor Adrian Mueller sent urgent secret email to BCS Strata Management Paul Banoob and Peter Bone, and Chairperson of SP52948 committee Bruce Copland to produce documents related to his engagement in 2012 and requested that owners corporation organise urgent paper committee meeting to ratify his engagement (this secret email clearly confirmed that Solicitor Adrian Mueller had never received such documents before 15 April 2013).

10.3) 19 April 2013: Solicitor Adrian Mueller sent letter reference AM:DR:22012to CTTT stating the following

7. On 25 July 2012 the then strata manager of the owners corporation, Gary Webb, signed the lawyer's costs agreement on behalf of the owners corporation and the signed costs agreement was emailed to the lawyer by the strata manager on that day.

10.4) 19 April 2013: Strata Manager Peter Bone, in his sworn Statutory Declaration to CTTT which was fully prepared by Solicitor Adrian Mueller), stated the following, stating that hes sent email to Solicitor Adrian Mueller, contradicting Solicitor's own submission about Garry Webb sending the email (copy of the email was never found):

6. On 25 July 2012 the Standard Costs Agreement was signed by Gary Webb on behalf of the owners corporation. I know Gary Webb personally. He is employed by Raine & Horne Strata - Sydney. Mr Webb was the person at Raine & Horne Strata Sydney who throughout July 2012 was the person responsible for the day to day strata title management of the owners corporation. I have seen Mr Webb sign documents previously and I recognise the signature on the costs agreement as his signature.

10.5) Mr. Peter Bone was only introduced as strata manager for SP52948 at committee meeting on 22 August 2012 and there would had been no possibility of him sending alleged email to Solicitor Adrian Mueller one month before he had became legal representative of owners corporation.

Even the committee members did not get the copy of the meeting on 9 July 2012, as published exclusively for committee members in agenda for committee meeting sent on 13 August 2012 (found on Waratah Strata website in 2018). Owners received different version of the agenda on 14 August 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-committee-meeting-sent-to-owners-14Aug20212.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Notice-EC-meeting-13Aug2012-organised-by-BCS-Strata-Management-Paul-Banoob-and-not-containing-minutes-of-EC-meeting-9Jul2012.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-committee-meeting-sent-to-owners-14Aug20212.pdf>

Strata manager was warned about falsified events many times, including:

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20190618-WITHOUT%20PREJUDICE_%20Request%20to%20stop%20wasting%20strata%20-455.pdf

MINUTES OF EXECUTIVE COMMITTEE MEETING OF STRATA SCHEME NO. 52948, 1-15 FONTENAY ROAD NORTH RYDE HELD IN THE OFFICES OF RAINE & HORNE STRATA LEVEL 1 BLOCK D, 240 BEECROFT ROAD, EPPING ON 22nd AUGUST 2012 at 7.30PM.

Standard abbreviations used in these minutes are as follows: MA = Managing Agent, EC = Executive Committee, OC = Owners Corporation, CTTT = Consumer Tenancy and Trade Tribunal, AGM = Annual General Meeting.

ITEM 1

PRESENT B Copland, J Ward, S Pogorelsky, J Wang, J Hessink, M Levitt & S Quick

APOLOGIES M McDonald, E Saulits

IN ATTENDANCE P Banoo & P Bone from Raine & Horne Strata-Sydney
Paul Banoo introduced Peter Bone as the manager from Raine & Horne Strata who will be responsible for day to day management due to Gary Webb being unable to continue for medical reasons. Peter may be contacted on 02 9868 2999.

10.6) Extract from Solicitor Adrian Mueller's secret invoice 61223 on 10 May 2013 (never given to any owner) confirming full Solicitor's involvement in creation of Statutory Declaration for strata manager Peter Bone.

15/04/13	Letter to you reporting on hearing of costs application and advising on further evidence	\$88.00	\$8.80
15/04/13	Drawing motions for ratification of retainer	\$44.00	\$4.40
15/04/13	Drawing statutory declaration of strata manager to prove proper appointment of solicitor for appeal	\$132.00	\$13.20
15/04/13	Letter to CTTT advising of unavailable dates for May hearing	\$44.00	\$4.40
16/04/13	Perusing emails from strata manager answering queries and attaching notice and minutes of executive committee meeting August 2012	\$88.00	\$8.80
16/04/13	Perusing further email from strata manager attaching email trails passing between strata manager and executive committee members concerning CTTT appeal and appointment of solicitor to defend appeal	\$88.00	\$8.80
16/04/13	Perusing strata management agency agreement between Raine & Horne Strata and owners corporation to check for delegated powers of strata manager	\$88.00	\$8.80

19/04/13	Perusing email from strata manager with draft minutes of paper executive committee meeting attached concerning ratification of appointment of solicitor in CTTT appeal	\$44.00	\$4.40
19/04/13	Amending draft minutes of paper executive committee meeting ratifying appointment of solicitor in CTTT appeal and emailing to strata manager	\$44.00	\$4.40
19/04/13	Perusing email from Peter Bone requesting corrections to statutory declaration and finalising statutory declaration of Peter Bone to make corrections requested by Peter	\$132.00	\$13.20
19/04/13	Perusing signed statutory declaration of Peter Bone	\$44.00	\$4.40

11) Mr. Pogorelsky, whilst unfinancial, was accessory to hiding information that Waratah Strata Management and the Police lost strata files on a USB key in April 2018, and then secretly tried to find another copy without disclosure to owners corporation until March 2019 (after allegedly ransomware attack happened in early February 2019).

11.1) Police was originally seeking evidence of eight emails that Solicitor Adrian Mueller and Mr. Peter Bone presented in Statutory Declaration to CTTT in case SCS 12/32675 on 19 April 2013 (Mr. Pogorelsky was fully aware that these emails did not exist):

- Unredacted email from Solicitor Adrian Mueller to Branch Manager Paul Banoob dated 5 July 2012 at 04:41 pm
- Unredacted email from Branch Manager Paul Banoob to Strata Manager Garry Webb dated 5 July 2012 at 04:57 pm
- Unredacted email to committee members from BCS Strata Management Garry Webb dated 6 July 2012 at 08:32 am
- Unredacted email to committee members and two staff members at BCS Strata Management from SP52948 Chairperson Mr. Bruce Copland dated 6 July 2012 at 12:48 pm
- Unredacted email to committee members and two staff members at BCS Strata Management from SP52948 Chairperson Mr. Bruce Copland dated 9 July 2012 at 10:18 pm
- Unredacted email from Solicitor Adrian Mueller to BCS Strata Management Peter Bone dated 16 July 2012 at 6:52 pm
- Unredacted email from BCS Strata Management Peter Bone to Solicitor Adrian Mueller dated 25 July 2012 at 2:13 pm
- Unredacted Email from BCS Strata Management Debbie Downes to committee members dated 16 April 2013 at 1:52 pm

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Police-and-Waratah-Strata-Management-secret-and-desperate-attempts-to-find-another-copy-of-lost-USB-key-with-SP52948-strata-files.pdf>

11.2) Waratah Strata Management provided THREE different versions of alleged ransomware attack to different audiences: NSW Fair Trading, owners, and Lot 158 and all of them are false and fabricated. Waratah Strata Management and committee members provided conflicting information in the Minutes of EC meetings on 21 March 2019 and 2 May 2019.

- In Minutes of EC meeting on 21 March 2019 it was claimed that financials for period prior to 1 February 2017 were missing (BCS' management period):

As the result of the missing USB, it will be impossible to determine the history of the gas point fee charge dring BCS' management period

- In email to Lot 158 on 9 May 2019 and NSW Fair Trading on 17 May 2019:

All of our financial record are intact

- Minutes of EC meeting on 2 May 2019 said: "2018 year, which had been inadvertently deleted from owners levy account due to Waratah IT incident" ... Waratah IT Incident was allegedly on 1 February 2019.

11.3) 12 March 2019, alleged letter to all owners:

<https://www.nswstratasleuth.info/SP52948-letter-sent-to-owners-by-Waratah-Strata-Management-about-ransomware-page-1-12Mar2019.png>

<https://www.nswstratasleuth.info/SP52948-letter-sent-to-owners-by-Waratah-Strata-Management-about-ransomware-page-2-12Mar2019.png>

On 1 February, Waratah Strata Management computers were impacted by ransomware, a type of malicious software. This resulted in access being denied to both our servers and external cloud-based backup. For the first 3 weeks in February we had data recovery experts attempt to decrypt our files, which they were unsuccessful in doing, however they found that the files have been corrupted and are unreadable. We also appointed a legal firm that specialises in dealing with cyber security issues, so received the best advice and assistance that is available.

It is important to note that there is no evidence that any of the information contained in our systems, including the financial and statutory Owners Corporation information such as owners details, has been accessed or taken by any third party. All indications are that the third party who deployed the ransomware only accessed the IT system to install the malicious software, but this is something that will be reviewed closely as we continue to investigate the incident. This incident has also been reported to the police via the Australian Cybercrime Online Reporting Network (ACORN).

Please be assured the owners corporation funds are completely secure – it is only our records that have been impacted.

On Friday 22 February we has our server returned to us and have since been restoring our lost data from a backup from mid-2018. We have employed additional staff and been working very long hours 7 days a week to re-enter all of the financial transactions and update the owners corporations records.

This process is now mostly complete, however as much of this data has been manually re-entered we acknowledge that there may have been mistakes made during this process. We are therefore providing the attached Owner Details Form and ask that you complete and return this form to us as soon as possible to ensure your current details are correctly recorded.

Enclosed is your notice for the levy due on 1 May. We have chosen to post this levy to you, even if you usually receive levy notices by email, until we are confident all owners details are correct.

Again, we ask you to carefully check the levy amount owing and if you have any concerns, we ask you to provide a copy of the original levy notices that were sent to you along with a covering letter/email to indicate the amounts of concern and proof of payment of those amounts, so we are able to investigate this for you. We will ensure that no owner incurs any additional changes as a result of error that have occurred during the re-entering of the financial records.

We also advise that all of the data that was stored on our online portal has been lost. We will be able to restore a lot of this information, but not all of the historical records. For those owners that have been attempting to access the portal, this should not be accessible using your previously advised access details, or if the new access details have been entered for your lot, a new web access letter is enclosed.

We request some understanding if we are unable to immediately take your phone calls or return emails at this time. We have over 5 weeks of work to catch up on that we have not been able to attend to until this week. We will be doing everything we can to respond to your requests for assistance as soon as possible.

We sincerely apologise for any inconvenience that has been caused by this issue.

11.4) 17 May 2019, email to NSW Fair Trading, where committee members and Mr. Pogorelsky were recipients as well:

<https://www.nswstratasleuth.info/SP52948-extract-from-email-by-Waratah-Strata-Management-to-Fair-Trading-NSW-case-9761719-part-1-17May2019.png>

<https://www.nswstratasleuth.info/SP52948-extract-from-email-by-Waratah-Strata-Management-to-Fair-Trading-NSW-case-9761719-part-2-17May2019.png>

In February 2019 Waratah Strata's computers were attacked by ransomware. A copy of the incident report obtained by the solicitors acting for our cybercrime insurance company is attached. As a result of that attack we have lost considerable amount of our electronic archive records. All of our financial record are intact and we have substantial amount of paper records, including hard copies of all strata meeting agendas and minutes. We also have email records for the last 1-2 years. We have however lost documents such as copies of invoices, copies of levy notices issued and other electronic-only records.

11.5) Email to Lot 158 on 9 May 2019:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-statement-about-lost-files-due-to-alleged-ransomware-attack-warning-owner-before-strata-document-search-9May2019.html>

We write with regard to your various recent correspondence and respond as follows:

We are happy to book a strata inspection for you on either 24 or 31 May at 9.30am. Please confirm which date you wish to book.

As noted in the committee meeting minutes of 21/3/19 the USB provided by BCS at change of strata managers was provided to Eastwood Police to allow them to investigate the complaint you lodged with them. We have a copy of all correspondence with Detective Sergeant Steve Benson in relation to that lost USB. We also have a copy of all correspondence to BCS requesting they provide another copy. Thank you for advising that you have a copy of that USB. As a concerned owner at the property we are sure you will be willing to provide a copy of that USB for the Owners Corporations records. If yes, we ask you to bring a copy with you on 24 or 31 May. We are happy to reimburse you the cost of the USB if you wish.

As advised in the letter that was sent to all owners in March, Waratah Strata Management's server was involved in a ransomware attack. This resulted in our server being encrypted. The hacker was also able to gain access to our cloud based backup service which was also encrypted. As a result a large portion of the owners corporations archive records are no longer available. All financial records are intact, along with all agendas & minutes, insurance records, strata plan files, etc. Much of our email correspondence is still available via Microsoft Exchange, but emails and other electronic correspondence that had previously been saved to our electronic archives are no longer available. We advise that all available records will be provided to you during your inspection, but make you aware some records are no longer available.

The remainder of your recent correspondence has been dealt with at the committee meeting held on 2/5/19. (Copy attached).

11.6) There is also a statement by Mr. Anthony Wood (Treasurer in another complex of 18 units) who claimed the following in regards to alleged ransomware attack in ProductReview chat:

All files seem to have been recovered. We were notified of the attack but not told that they paid to get the details back. We are not concerned about that. On the contrary it shows they were determined to everything possible to recover the files. In the meantime, all services with Waratah continued without interruption.

11.7) Ms. Sam Kernot, from O'Connors Property Reports, wrote the following in regards to property report for SP61424(17) – 17/118 Wallis Street on 2 March 2020:

A complete set of Committee Meeting minutes was unavailable at the time of our inspection. Minutes between 2016 & 2018 Annual General Meetings were on disk; this disk is corrupt and could not be accessed. In February 2019 the managing agent was victim to a cyber attack. Files were compromised/lost and a complete set of records could not be recovered.

11.8) Mr. Pogorelsky, whilst unfinancial, actively supported false events related to ransomware attack.

<https://www.nswstratasleuth.info/Sententia-brief-analysis-with-limited-evidence-ransomware-attack-against-Waratah-Strata-Management-undisclosed-to-owners-of-strata-plan-SP52948.pdf>

11.9) An alleged ransomware attack against Waratah Strata Management occurred on 1 February 2019, just a week after Lot 158 submission to Office of Legal Services Commissioner for Solicitor Adrian Mueller's misconduct. Sententia report, dated 26 March 2019 stated (undisclosed by Waratah Strata Management to 218 owners):

- Their investigation had limited access to event logs.
- Deeper understanding of the exact actions by the threat actor was not possible due to lack of evidence and an incomplete audit trail.
- Based on incomplete logs, the encryption attack most likely occurred on 2 February 2019 at 12:08:56 hours.
- Threat actor achieved brute-force success with the Administrator account on server WSMHS1, a malicious toolkit was then used to create www account on 1 February 2019 at 11:58:53 hours.
- Incomplete audit logs from terminal services show the first login occurred at 23:59 hours on 1 February 2019 and session ended at 03:33 hours on 2 February 2019.
- There was no conclusive evidence to suggest any data exfiltration occurred (simply based on available usage data logs that did not take into account possibility of using data compression for file transfers, or selective file transfers of targeted files).
- In timeframe from 1 February 2019 up to around 15 and 17 February 2019, Waratah Strata Management was still at high risk, due to unpatched servers and continuous attacks with brute-force access. Lack of remediation actions to close all non-essential inbound ports continued to create risks.
- Bitcoin ransom was subsequently paid by a third-party (known to Waratah Strata Management) to the threat actor in the equivalent amount of \$5,052.03.
- After this payment, there was no response from the threat actor.
- The attack allegedly occurred due to misconfigured routers that allowed RDP protocol.
- Sententia did not take into account possibility of data being transferred through screenshots, which is one of the valid attacks.
- Waratah Strata Management recovered their data via a re-image procedure (mostly untrue, as per separate admission by Waratah Strata Management to NSW Fair Trading and owners in emails with different explanations).
- It was recommended to use more secure method of connectivity, such as MFA VPN.
- Sententia report in March 2019 does not report any data losses in Office 365 or Azure cloud, therefore no record of files being destroyed by ransomware attack on Microsoft public systems that Waratah Strata Management uses for SP52948.
- Lot 158 obtained official statement by Rockend (they provide the lookatmystrata.com.au domain as a service) where they confirmed they did not have any knowledge of the alleged ransomware attack. Rockend does not store, hold, access, or release any information related to that domain. All such information is held, exclusively managed, and complete responsibility of Waratah Strata Management.
- Lot 158 obtained official statements by Microsoft (cases SRX1489833939ID, 18405027, and 120021523000177) that they had never been notified about data loss and/or ransomware attack in Office 365 that keeps emails for waratahstrata.com.au.
- Microsoft also stated that had anybody reported loss of emails in Office 365, Microsoft would have had ability to restore them within 90 days after the incident. That obviously did not happen as Microsoft seemingly has no record of such actions.

Microsoft found no trace of any complaint, ticket, or report for data losses for waratahstrata.com.au in Office 365 during 2019 or 2020. The only event related to waratahstrata.com.au was ticket in June 2019 (case number 14941752) - problem with sending emails.

Microsoft has not been involved in any investigation of alleged ransomware attack or data losses that Waratah Strata Management reported for emails in Office 365.

- Mr. Robert Crosbie continued to receive email from Lot 158 throughout February and March 2019, without any bounce backs:

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block C took three times to open and close door auto...	9/2/19, 17:40	Robert Crosbie
FOR CONSIDERATION AND OFFICIAL RESPONSE: Half-meter hole in the building wall in Block C not repaired for m...	9/2/19, 20:25	Robert Crosbie
FOR CONSIDERATION AND OFFICIAL RESPONSE: New schedule for tennis court bookings in Feb2019	10/2/19, 09:54	Robert Crosbie
FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block C and Block A additional issues on 10 and 17 Fe...	17/2/19, 22:54	Robert Crosbie
FOR CONSIDERATION AND OFFICIAL RESPONSE: Finally resolved issue - missing fire compliance door tag for Lot 1...	18/2/19, 05:56	Robert Crosbie
FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block A additional issues on 21 February and 1 March...	1/3/19, 21:03	Robert Crosbie
FOR OFFICIAL RESPONSE AND ACTION: SP52948 Replacement of obsolete smoke detectors in Lot 158	1/3/19, 23:17	Robert Crosbie
POTENTIAL SECURITY INCIDENT: SP52948 pathway to bus stop on 2Mar2019	2/3/19, 07:46	Robert Crosbie
Re: REQUEST FOR INFORMATION: SP52948 Illegal use of Ryde Council land for public parking on 20Dec2018	19/3/19, 08:51	Robert Crosbie
Re: REQUEST FOR IMMEDIATE ACTION: SP52948 providing illegal smoking facility behind fire door 2 in Block A	19/3/19, 08:59	Robert Crosbie
Lot 158 accepts membership on SP52948 committee on 19Mar2019	19/3/19, 11:58	Robert Crosbie
Re: FOR OFFICIAL RESPONSE AND ACTION: SP52948 Replacement of obsolete smoke detectors in Lot 158	19/3/19, 12:06	Robert Crosbie
Re: REQUEST FOR PROPER AND OVERDUE MAINTENANCE: Roof membrane and water leaks in Block A in Jan2019	19/3/19, 16:01	Robert Crosbie

- Mr. Crosbie read some emails during alleged attack, as evidence showed two times on 11 February 2019:

Subject: Read: FOR CONSIDERATION AND OFFICIAL RESPONSE: Half-meter hole in the building wall in Block C not repaired for more than half a year on 9Feb2019

From: Robert Crosbie <Robert@waratahstrata.com.au>

Date: 11/2/19, 07:12

To: Lot 158

Your message

To: Robert Crosbie

Subject: FOR CONSIDERATION AND OFFICIAL RESPONSE: Half-meter hole in the building wall in Block C not repaired for more than half a year on 9Feb2019

Sent: Saturday, 9 February 2019 8:25:55 PM (UTC+10:00) Canberra, Melbourne, Sydney

was read on Monday, 11 February 2019 7:12:56 AM (UTC+10:00) Canberra, Melbourne, Sydney.

Final-recipient: RFC822; Robert@waratahstrata.com.au
Disposition: automatic-action/MDN-sent-automatically; displayed
X-MSEch-Correlation-Key: W5e6FInJ00GPsK9HMXwMvA==
Original-Message-ID: f99e24fd-77a2-f0d1-9c97-0b6aac6fa40b@circlingcycle.com.au
X-Display-Name: Robert Crosbie

Subject: Read: FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block C took three times to open and close door automatically before travelling on 9Feb2019
From: Robert Crosbie <Robert@waratahstrata.com.au>
Date: 11/2/19, 07:12
To: Lot 158

Your message

To: Robert Crosbie
Subject: FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block C took three times to open and close door automatically before travelling on 9Feb2019
Sent: Saturday, 9 February 2019 5:40:17 PM (UTC+10:00) Canberra, Melbourne, Sydney
was read on Monday, 11 February 2019 7:12:54 AM (UTC+10:00) Canberra, Melbourne, Sydney.

Final-recipient: RFC822; Robert@waratahstrata.com.au
Disposition: automatic-action/MDN-sent-automatically; displayed
X-MSEch-Correlation-Key: fV3/fHZvake7HUzf5PtMPw==
Original-Message-ID: <4f5fd166-2c9f-594f-97d7-b83578a5c1bf@circlingcycle.com.au>
X-Display-Name: Robert Crosbie

- Further more, on 1 March 2019, Mr. Crosbie automated response sent this message:

Due to a recent computer issue we are currently having to re-enter a large volume of financial records into our database. This process is going to take approximately 2 weeks. During this period I am having to manage and assist additional staff we have brought in to speed up this process.

I may therefore be slow to respond to many emails, but will be regularly checking emails and attending to urgent matters as soon as possible. I apologise for any inconvenience that may be caused during this period.

- Sententia was approached multiple times but they refused to answer inquiries about their very questionable report.
- Waratah Strata Management and Mr. Pogorelsky never provided details of Australian Cybercrime Online Reporting Network (ACORN) case.
- Waratah Strata Management and Mr. Pogorelsky never provided details of alleged payment by third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03 in bitcoin.
- Waratah Strata Management and Mr. Pogorelsky never answered any questions about obvious lies in alleged ransomware attack.
- Even as late as 29 May 2019, in spite of what Waratah Strata Management said in their statements, their website contained no files in Documents Folder almost four months after the event.
- Solicitor Adrian Mueller prevented Lot 158 access to SP52948 strata documents on 14 November 2019 (letter sent to O'Brien Criminal & Civil Solicitors), including admission that Auditor Report for FY 2017 *"was likely not available"* and asking *"what was the purpose pressing for the records to be produced"*. Incomplete Auditor Report for FY 2017 was finally published two and half years after due date without any financial details in late April 2020 but backdated on Waratah Strata Management website to 31 August 2017.

12) Mr. Pogorelsky, whilst unfinancial, prevented Lot 158 from being a committee member (NCAT must make a clear decision on this matter in document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-3**), acted in bad faith, and continue to mislead the owners corporation, allowing other unfinancial owners to vote and be elected on the committee without disclosure:

- Lot 3, Mrs. Lorna Zelenzuk
- Lot 88, Mrs. Marianna Paltikian

Original Lot 88 owner (Ms. M. Gaits) received approval for gas heating on 19 September 2013 and installed it at alleged levy of \$55,00 per year on 31 October 2014; Mrs. Paltikian and her husband became new owners of the property and inherited all debt and liabilities from the previous owner; on 21 March 2016, Mr. Steve Carbone, Uniqueco Property Services, conducted alleged full audit of gas heating connections and excluded Lot 88 from his report. To this day, Lot 88 is not listed in any strata documents as having gas heating connection and there is no photo evidence of her connection being checked regularly to avoid possibilities of illegal private use of gas for heating:

<https://www.nswstratasleuth.info/SP52948-Lot-88-approved-gas-connection-BCS6136722.pdf>

<https://www.nswstratasleuth.info/SP52948-new-owner-Lot-88-Marianna-Paltikian-31Oct2014.pdf>

<https://www.nswstratasleuth.info/SP52948-Building-Manager-second-gas-connection-report-21Mar2016.pdf>

- Lot 147, Mr. Moses Levitt
- Lot 218, Mr. Jeffery Wang

Mr. Wang inherited outstanding levies and unpaid interest for Lot 218, due to decision made at committee meeting on 22 March 2000 (without general meeting or special resolution):

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-waived-outstanding-levies-without-owners-corporation-approval-Minutes-EC-meeting-22Mar2000-legal-fees-Lot-103-and-218.jpg>

Mr. Wang is also found to be unfinancial whilst allegedly being a committee member – as more than four month period in 2014 shows:

<https://www.nswstratasleuth.info/SP52948-Committee-member-Lot-34-Jeffery-Wang-outstanding-levies-reminder-1July2014.pdf>

<https://www.nswstratasleuth.info/SP52948-Committee-member-Lot-218-Jeffery-Wang-outstanding-levies-reminder-3Oct2014.pdf>

<https://www.nswstratasleuth.info/SP52948-Committee-member-Lot-218-Jeffery-Wang-outstanding-levies-reminder-20Oct2014.pdf>

13) Mr. Pogorelsky, whilst unfinancial, allowed and supported two other owners to vote and be committee members at various periods:

- Lot 62, Mr. Upali Aranwela (who acted as Secretary of the committee without disclosing to Lot 158 (who was also committee member) about the secret gas heating levies since 1999). He never settled his outstanding levies too.
- Lot 192, Mr. Costa Akanis. On 5 July 2014, new owner of Lot 192 (Mr. Herim Kwon) admitted having gas heating since they bought the property (Strata Roll in March 2013 has full details that Mr. Herim Kwon acquired property on 11 June 2008:

<https://www.nswstratasleuth.info/SP52948-Lot-192-gas-heating-connection-admission-5Jul2014.pdf>

14) Mr. Pogorelsky, whilst unfinancial, not only caused direct losses to Lot 158 for document searches whilst Lot 158 was legally valid committee member, but also was direct accessory to preventing access to many strata documents. Few examples:

14.1) 16 November 2011, \$154.00 Document search at BCS Strata Management

<https://www.nswstratasleuth.info/SP52948-Lot-158-document-search-problems-14Nov2011.pdf>

14.2) At CTTT Hearing in case SCS 12/32675 on 17 October 2012, Solicitor Adrian Mueller, who showed up without approval at any committee or general meeting, and without evidence of Standard Costs Agreement, signed document to provide strata files to Lot 158, as ordered by the Tribunal:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-Solicitor-agreement-about-access-to-files-17Oct2012-received-on-22102012.pdf>

Solicitor Adrian Mueller lied to the Tribunal. Most of the requested files were not provided.

14.3) 7 November 2012, \$132.00 Document search at BCS Strata Management

<https://www.nswstratasleuth.info/SP52948-SSMA1996-S108-Document-viewing-undisclosed-files-by-BCS-Strata-Management-Nov2012.pdf>

After the document search, the complaint was sent to BCS Strata Management, and their Branch Manager Mr. Paul Banoob provided false promise on 13 November 2012:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-BCS-Strata-Management-false-promise-to-deliver-strata-documents-13Nov2012.pdf>

14.4) 28 February 2012, \$72.00 Document search at CTTT

14.5) 7 March 2013, \$33.00 Document search at BCS Strata Management

14.6) 11 March 2013, \$172.80 Document search at BCS Strata Management

14.7) 11 September 2013, \$45.00 Document search at BCS Strata Management

14.8) 15 October 2013, \$45.00 Document search at BCS Strata Management

<https://www.nswstratasleuth.info/SP52948-SSMA1996-S108-Document-viewing-undisclosed-files-by-BCS-Strata-Management-17Oct2013.pdf>

14.9) 18 October 2013, \$32.00 Document search at BCS Strata Management

14.10) 17 November 2014, Document search at BCS Strata Management

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/BCS9354999-SP52948-Non-Compliance-with-SSMA-1996-Section-108-Strata-Search-17Nov2014.pdf>

14.11) 16 February 2016, \$164.80 Document search at BCS Strata Management

14.12) 16 February 2016, \$3.40 Document search at BCS Strata Management

14.13) 15 June 2017, \$61.05 Document search at Waratah Strata Management

<https://www.nswstratasleuth.info/SP52948-Outcome-of-request-for-inspection-of-records-at-Waratah-Strata-Management-on-13Jun2017.html>

14.14) 13 June 2019, \$212.85 Document search at Waratah Strata Management

<https://www.nswstratasleuth.info/SP52948-SSMA2015-S182-Document-viewing-undisclosed-files-by-Waratah-Strata-Management-31May2019.pdf>

14.15) 13 June 2019 \$2.75 Document search at Waratah Strata Management

<https://www.nswstratasleuth.info/SP52948-interim-version-outcome-of-document-search-at-Waratah-Strata-Management-by-Lot-158-on-31May2019.pdf>

14.16) 26 September 2019, \$234.30 Document search at Waratah Strata Management

<https://www.nswstratasleuth.info/SP52948-SSMA2015-S182-Document-viewing-undisclosed-files-by-Waratah-Strata-Management-20Sep2019.pdf>

14.17) 29 March 2020, \$2,200.00 O'Brien Criminal & Civil Solicitors demand for strata files sent to Waratah Strata Management (sent to Mrs. Marianna Paltikian):

<https://www.nswstratasleuth.info/SP52948-legal-request-to-documents-24Apr2020.pdf>

14.18) 30 May 2022, \$34.10 Document search on Waratah Strata Management website

<https://www.nswstratasleuth.info/SP52948-Lot-158-outcome-of-access-to-strata-documents-8Jun2022.pdf>

14.19) 13 February 2024, \$161.15 Document search at Waratah Strata Management

<https://www.nswstratasleuth.info/SP52948-Lot-158-outcome-of-access-to-strata-documents-public-13Feb2024.pdf>

15) Mr. Pogorelsky, whilst unfinancial, signed or was instrumental in approving major contracts which did not pass the test of duty of care and best practices, or were signed by another unfinancial committee member.

Few examples:

15.1) Uniqueco Property Services contract co-signed by Mr. Moses Levitt whilst unfinancial on 4 December 2014 (Lot 147).

<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Services-contract-Dec2014.pdf>

15.2) Waratah Strata Management contract signed by Mr. Stan Pogorelsky and Mr. Moses Levitt whilst both unfinancial on 14 December 2016.

<https://www.nswstratasleuth.info/Waratah-Strata-Management-contract-with-SP52948-14Dec2016.pdf>

15.3) Waratah Strata Management contract signed by Mr. Stan Pogorelsky and Mr. Moses Levitt whilst both unfinancial on 24 October 2017.

<https://www.nswstratasleuth.info/Waratah-Strata-Management-contract-with-SP52948-24Oct2017.pdf>

15.4) Uniqueco Property Services contract signed by Mr. Stan Pogorelsky and Mr. Moses Levitt whilst both unfinancial on 27 November 2017.

<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Services-contract-part-1-Nov2017.pdf>

<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Services-contract-part-2-Nov2017.pdf>

15.5) Waratah Strata Management contract signed by Mr. Stan Pogorelsky and Mr. Moses Levitt whilst both unfinancial on 17 October 2019.

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-contract-signed-by-two-unfinancial-owners-Stan-Pogorelsky-and-Moses-Levitt-17Oct2019.png>

15.6) Uniqueco Property Services contract signed by Mr. Robert Crosbie, whilst Waratah Strata Management was illegal strata manager, on 1 February 2021.

<https://www.nswstratasleuth.info/SP52948-contract-Uniqueco-Property-Services-part-1-1Feb2021.pdf>

<https://www.nswstratasleuth.info/SP52948-contract-Uniqueco-Property-Services-part-2-1Feb2021.pdf>

15.7) Contracts with Uniqueco Property Services is hidden from all other owners since 2022 and even paid document search did not allow Lot 158 to get it on 13 February 2024.

Minutes of AGM on 27 October 2022 stated the alleged approval to renew contract with Waratah Strata Management in Motion 12:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-AGM-27Oct2022.pdf>

<https://www.nswstratasleuth.info/SP52948-contract-Waratah-Strata-Management-part-1-27Oct2022.pdf>

<https://www.nswstratasleuth.info/SP52948-contract-Waratah-Strata-Management-part-2-27Oct2022.pdf>

Resolved that Waratah Strata Management (herein called 'the Agent') be appointed as the Managing Agent of the Owners Corporation in Strata Plan 52948 and that Marianna Paltikian (Secretary) and John Gore (Chairman) be authorised to sign the Management Agreement tabled at the Meeting on behalf of the Owners Corporation and further to attest the affixing of the common seal on that agreement, which agreement incorporates instruments pursuant to section 49(1) of the Strata Schemes Management Act 2015 appointing the Agent and delegating all the functions of the Owners Corporation and its Strata Committee and the Chairman, Secretary and Treasurer of the Strata Committee and of the Owners Corporation, other than the power to do anything referred to in section 52(2) of the Act.

Further resolved that the term of the management agreement is to be 36 months.

Note: The Chairperson abstained from voting on behalf of Lot 128 on this motion due to the conflict of interest.

Mrs. Marianna Paltikian, who co-signed this contract, was unfinancial due to unpaid full gas heating levies left from the previous owner of Lot 88, and lack of evidence that she was not using it ever since the purchase of property (in addition to the fact that her gas connection is still undeclared in strata documents).

15.8) Contract with Uniqueco Property Services is an example of how bad it can be:

<https://www.nswstratasleuth.info/SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary.pdf>

15.9) And one example for Waratah Strata Management. Minutes of AGM removing BCS Strata Management and approving contract with Waratah Strata Management on 19 October 2016.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP25948-Minutes-AGM-2016-19Oct2016.pdf>

<https://www.nswstratasleuth.info/SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020.pdf>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-contract-with-SP52948-14Dec2016.pdf>

AGM 2016 was conducted without valid quorum.

Strata and building manager contracts were allegedly approved without competitive tenders.

Contract with Waratah Strata Management was signed by two unfinancial committee members (Mr. Stan Pogorelsky and Mr. Moses Levitt) who could not prove they were financial owners and increased base value from \$21,800.00 to \$23,110.00 without owners knowledge on 14 December 2016:

The Agent – WARATAH STRATA MANAGEMENT PTY LTD

Attention: The Licensee

Address: P.O. Box 125, Eastwood NSW 2122

Phone: 02 9114 9599

ABN: 75 161 033 745

Facsimile: 02 9114 9598

SCA (NSW) Membership No: 11539

Email: enquiry@waratahstrata.com.au

Licence No: 10006316

Particulars

Item 1	Professional indemnity	Amount Insured \$2,000,000
Item 2	Commencement date	1 February 2017
Item 3	Term	14 Months
Item 4	Review date	in relation to <i>agreed services</i> – At each AGM following <i>Commencement date</i> in relation to <i>additional services rates</i> - At each AGM following <i>Commencement date</i> in relation to <i>charges</i> - At each AGM following <i>Commencement date</i>
Item 5	Percentage increase p.a	5% or as agreed at each AGM
Item 6	Agreed services fee p.a	(complete one of the below options) Option 1 – \$23,110.00 plus rebates, discounts and commissions in Disclosure Schedule C1 and C2 – Agent retains all commissions (refer to clause 3.3(a)) or Option 2 – \$ plus rebates, discounts and commissions in Disclosure Schedule C2 – Agent retains some commissions (refer to clause 3.3(b)) or Option 3 – \$ Agent not entitled to commissions or the fee as described in clause 3.3(c) All fees under this agreement are GST INCLUSIVE (clause 9)


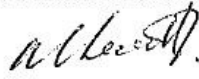




28. APPOINTMENT OF WARATAH STRATA:

28.1 The Owners Corporation consider the appointment of Waratah Strata Management at \$21,800.00 + Disbursements \$13,300.00 = \$35,100.00 inclusive of GST.

Comments: Please note the third proposal (lowest quote of the lot) has just recently commenced business and does not have the infrastructure to manage a complex of our size and therefore has not been considered.

APPROVED

49 voted Yes, 11 voted No

Signatures	
Owners Corporation	
The common seal of the owners corporation was affixed on 14 December 2016 in the presence of:	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">  </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> STANLEY POGORELSKY </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> CHAIRMAN </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">  </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> M. LEVITT </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Committee Member </div>
Signature	Signature
Name	Name
Designation	Designation
Being the person(s) authorised by section 272 of the Act to attest the affixing of the seal.	
	
Agent	
Executed by the agent in accordance with Section 126 or 127 of the Corporations Act 2001 (Cth) in the presence of:	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">  </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Robert Crossie </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">  </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> STANLEY POGORELSKY </div>
Signature of Authorised Person	Signature of Authorised Person
Name of Authorised Person	Name of Authorised Person
Service	
The owners corporation acknowledges receipt of a copy of this agreement within 48 hours of execution by the owners corporation (refer to page 8 for IMPORTANT NOTES to the parties when executing this agreement).	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> STANLEY POGORELSKY </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">  </div>
Name of Signatory	Signature

16) Mr. Pogorelsky, whilst unfinancial, was one of ringleaders who prevented forensic audits five times:

16.1) NSW Fair Trading tried to engage owners corporation to conduct proper forensic auditors two times in case 7563482 on 25 May 2015.

<https://www.nswstratasleuth.info/SP52948-NSW-Fair-Trading-case-7563482-25May2015.pdf>

16.2) NSW Fair Trading avoided to take any action and again tried to engage owners corporation to conduct proper forensic auditors in case 7938059 on 9 October 2015.

<https://www.nswstratasleuth.info/SP52948-NSW-Fair-Trading-case-7938059-9Oct2015.pdf>

16.3) At AGM on 4 November 2016, Mr. Pogorelsky, whilst unfinancial, ran a campaign to prevent Lot 158 Motion about it:

21. MOTION REQUESTED BY LOT 158 - ENGAGE SERVICES OF A FORENSIC AUDITOR:

21.1 Engage Services of a Forensic Auditor as Recommended by Department of Fair Trading

That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, approves engagement of services of a forensic auditor to scrutinize the strata scheme's accounts for the last five years, as per Department of Fair Trading files 7563482 and 7938059:

- To avoid any conflict of interest, a sub-committee of five owners or their representatives, made of non-EC members, shall be formed at general meeting by ordinary vote,
- The sub-committee members must declare their interests if applicable,
- Three quotes shall be sought and advice from NCAT (previously CTTT) obtained,
- As EC members and BCS Strata Management persistently refused to provide access to financial documents voluntarily in period 2012-2016 (in non-compliance with SSMA 1996 Section 108), the expenses for forensic audits shall be reimbursed from BCS Strata Management,

16.4) Committee meeting on 20 July 2017.

<https://www.nswstratasleuth.info/SP52948-Minutes-EC-meeting-20Jul2017.pdf>

16.5) Lot 158 offer for free forensic auditor on 8 June 2019.

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-failed-to-notify-owners-of-offer-for-cost-free-forensic-auditor-8Jun2019.html>

17) Mr. Pogorelsky, whilst unfinancial, was direct accessory to approving Solicitor Adrian Mueller's Standard Costs Agreements with undeclared costs well above their alleged values.

17.1) In District Court case 2013/360456 in amount of \$16,500.00 (GST inclusive) whilst Solicitor Adrian Mueller charged \$20,866.75 (GST inclusive) without owners corporation approval or knowledge.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-signed-Standard-Costs-Agreement-for-District-Court-in-amount-of-16500-dollars-9Jan2014.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/BCS7271134-JS-Mueller-invoice-14Feb2014.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/BCS7459729-JS-Mueller-invoice-6Mar2014.pdf>

17.2) Similar problem happened in CTTT case SCS 12/32675: alleged Standard Costs Agreement for Solicitor Adrian Mueller approved \$11,550.00 (GST inclusive) whilst Solicitor charged \$28,511.24 (GST inclusive) without owners corporation approval or knowledge).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-25Jul2012-and-provided-to-CTTT-nine-months-later-on-19Apr2013.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-10Aug2012-BCS4048297.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-15Nov2012-BCS4527447.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-6Mar2013-BCS5064461.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Mueller-invoice-10May2013-BCS5454894.pdf>

A	B	C	D	E	F	G	H	I	J
Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chg. Date	Mtd.	Chg.	Date Presented	Invoice
84446	J S MUELLER & CO SOLICITORS	78428	5/09/2016	\$1,100.00	19/09/2016	EFT	N	19/09/2016	View Invoice
84446	J S MUELLER & CO SOLICITORS	69179	28/10/2014	\$742.50	30/10/2014	EFT	N	30/10/2014	View Invoice
84446	J S MUELLER & CO SOLICITORS	67976	29/07/2014	\$484.00	31/07/2014	EFT	N	31/07/2014	View Invoice
84446	J S MUELLER & CO SOLICITORS	65777	6/03/2014	\$242.00	25/03/2014	EFT	N	25/03/2014	View Invoice
84446	J S MUELLER & CO SOLICITORS	65461	14/02/2014	\$20,624.75	05/03/2014	EFT	N	05/03/2014	View Invoice
84446	J S MUELLER & CO SOLICITORS	65483	18/02/2014	\$6,980.28	04/03/2014	EFT	N	04/03/2014	View Invoice
84446	J S MUELLER & CO SOLICITORS	64289	8/11/2013	\$484.00	19/11/2013	EFT	N	19/11/2013	View Invoice
84446	J S MUELLER & CO SOLICITORS	61904	24/06/2013	\$1,452.00	04/07/2013	EFT	N	04/07/2013	View Invoice
84446	J S MUELLER & CO SOLICITORS	61223	10/05/2013	\$11,568.72	20/05/2013	EFT	N	20/05/2013	View Invoice
84446	J S MUELLER & CO SOLICITORS	60252	6/03/2013	\$1,452.00	22/03/2013	EFT	N	22/03/2013	View Invoice
84446	J S MUELLER & CO SOLICITORS	58762	15/11/2012	\$13,986.12	27/11/2012	EFT	N	27/11/2012	View Invoice
84446	J S MUELLER & CO SOLICITORS	57380	10/08/2012	\$1,504.40	22/08/2012	EFT	N	22/08/2012	View Invoice
84446	J S MUELLER & CO SOLICITORS	56130	28/05/2012	\$198.00	31/05/2012	EFT	N	31/05/2012	View Invoice
84446	J S MUELLER & CO SOLICITORS	55003	13/03/2012	\$2,500.00	27/03/2012	EFT	N	27/03/2012	View Invoice
			Total	\$63,318.77					

17.3) Solicitor Adrian Mueller is also known for issuing unitemised invoices, like this one in amount of ^6,980.28 (GST inclusive) on 18 February 2014:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/BCS7278434-JS-Mueller-invoice-18Feb2014.pdf>

17.4) Solicitor Adrian Mueller, strata manager, and committee members declined to respond to Lot 158 on and after 28 February 2022:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-cost-submission-reply-27Feb2022.pdf>

18) Mr. Pogorelsky, whilst unfinancial, failed to disclose to NCAT in case SC 20/33352 that he was not a valid committee member whilst engaging services of Solicitor Adrian Mueller to "defend" him and other owners. In that process, Mr. Pogorelsky caused significant losses to Lot 158 and owners corporation for past events (well above \$200,000.00), and significantly increased insurance premiums:

<https://www.nswstratasleuth.info/SP52948-insurance-premiums-and-commissions-since-1997.html>

SP52948 Insurance Financial Year	Insurance Premiums with all additional fees (GST excl)	Diff to Previous Year	Comments and Insurance Commissions Paid to Strata Manager (important note: BCS Strata Management acquired Raine & Horne Strata Management in 2010, so it is effectively the same company since 1999)
1997	\$34,128.00		Bright & Dougan
1998			Undeclared by MDA Strata Services
1999	\$33,799.00	0.00%	Raine & Horne Strata Management
2000	\$33,721.00	-0.23%	\$5,145.34 was paid to Raine & Horne Strata Management
2001	\$45,277.65	34.27%	\$5,428.07 was paid to Raine & Horne Strata Management
2002	\$46,879.00	3.54%	Raine & Horne Strata Management
2003	\$52,841.00	12.72%	Raine & Horne Strata Management not allowed insurance commissions
2004	\$49,044.00	-7.19%	Raine & Horne Strata Management not allowed insurance commissions
2005	\$40,002.00	-18.44%	Raine & Horne Strata Management not allowed insurance commissions
2006	\$43,139.41	7.84%	Raine & Horne Strata Management not allowed insurance commissions
2007	\$42,962.77	-0.41%	Raine & Horne Strata Management not allowed insurance commissions
2008	\$38,583.00	-10.19%	Raine & Horne Strata Management not allowed insurance commissions
2009	\$42,940.00	11.29%	Raine & Horne Strata Management not allowed insurance commissions
2010	\$43,324.00	0.89%	BCS Strata Management not allowed insurance commissions
2011	\$44,558.00	2.85%	BCS Strata Management not allowed insurance commissions

2012	\$48,410.00	8.64%	BCS Strata Management not allowed insurance commissions
2013	\$78,409.00	61.97%	Two insurers declined to quote due to high risks, four insurance claims for Solicitor Adrian Mueller (strong evidence includes false statements by BCS Strata Management in Statutory Declaration to CTTT on 19 April 2013, false statement in Affidavit to District Court on 31 January 2014, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Simon Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for non-existent "defence" of Lot 3 in CTTT case SCS 12/32675 without owners corporation disclosure or decision at any general meeting, false written statements to CTTT by selective committee members, CHU Insurance forced partial repayment in amount of \$8,800.00 in 2017) BCS Strata Management not allowed to receive insurance commissions
2014	\$69,649.00	-11.17%	BCS Strata Management not allowed to receive insurance commissions
2015	\$70,925.00	1.83%	BCS Strata Management not allowed to receive insurance commissions
2016	\$64,395.00	-9.21%	BCS Strata Management not allowed to receive insurance commissions
2017	\$65,480.98	1.69%	BCS Strata Management not allowed to receive insurance commissions
2018	\$75,503.19	15.31%	\$6,570.16 paid to Waratah Strata Management
2019	\$81,382.12	7.79%	\$6,084.84 paid to Waratah Strata Management
2020	\$80,320.14	-1.30%	\$5,633.62 paid to Waratah Strata Management
2021	\$87,404.90	8.82%	Solicitor Adrian Mueller fully involved in forcing insurance claims for his alleged work \$6,541.55 paid to Waratah Strata Management
2022	\$99,132.62	13.42%	Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14. Insurance broker forced SP52948 to pay extra \$1,617.37 as per invoice on 9 August 2022 for overdue excesses dated 20 September 2021 and 19 April 2022. SP52948 was forced to repay \$4,545.45 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352 \$6,541.55 paid to Waratah Strata Management
2023	\$149,529.07	50.84%	Insurance renewal was due on 21 September 2022 but paid on 26 September 2022 (creating risk of uncovered common property for period of five days). SP52948 was at high risk due to expired insurance. SP52948 was forced to repay \$15,200.15 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352 \$6,541.55 paid to Waratah Strata Management
2024	\$181,778.06	21.57%	Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 5 October 2023 \$9,936.71 paid to Waratah Strata Management
2025	\$134,959.31		Insurance renewed only for HALF-YEAR period (until 21 March 2025) due to lack of funds in Admin Fund and HIGH legal risks; full insurance costs including all fees and levies was undisclosed in Admin Fund as of 25 September 2024 \$9,936.71 paid to Waratah Strata Management in spite of advance warning to executive committee to not allow it

19) Mr. Pogorelsky, whilst unfinancial, and hampering Tribunal investigations, celebrated when CTTT dismissed Lot 158 case SCS 12/32675 on 7 December 2012.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Stan-Pogorelsky-celebrating-CTTT-decision-while-unfinancial-7Dec2012.pdf>

Mr. Pogorelsky wrote:

Great outcome. Display it where ever you can for all to see. See you on Wednesday night for the celebration party.

Similar comments were shared by his close friend, unfinancial owner Mr. Moses Levitt:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Moses-Levitt-celebrating-CTTT-decision-while-unfinancial-7Dec2012.pdf>

Fantastic! Agreed it should be circulated to all owners (AND residents?) with decisions highlighted. Can all 12 pages be displayed on the Notice Boards? Otherwise only the decisions.

... and Chairperson Mr. Bruce Copland:

We should display this on the notice boards!

Subject to Adrian's advice, I would like to circulate all owner's with this decision and the AGM minutes - I will supply you a copy with the "draft" watermark removed.

20) Mr. Pogorelsky, to protect own greed and interest of group of his friends, did not prevent persistent vilification, exposure to ridicule, threats, stalking, and harassment of Lot 158 wife (who has very serious health problems) and male owner:

20.1) Police Event E45617744 on 6 October 2011 - anonymous hate notice in Lot 158 letterbox with request to disappear from the complex,

20.2) On 20 October 2011 - what appeared to be a mentally unstable Ms. Sandra Quick prevented female owner from Lot 158 to exit from own garage. Police was on the phone with Ms. Quick for more than an hour, trying to calm her down - Police never provided the Event number (Ms. Sandra Quick later even served as a committee member),

20.3) Timeline of events for anonymous death threat in 2013:

- Throughout February 2013, Solicitor Adrian Mueller was actively engaged in preventing access to strata documents, protecting own interests, exhibiting contempt of court (CTTT) in deliberate exercise with intent to interfere with the administration of justice
- On 24 February 2013 at 19:45 hours, Lot 158 sent email to strata manager Peter Bone with the subject line "ADVANCED NOTICE: Peter Bone will be issued with CTTT summons to produce documents on 25 February 2013"
- Lot 158 submitted summonses on 25 February 2013 to CTTT, with updated version on 27 February 2013 (CTTT requested the changes to the document)
- Day after notice of issue of summonses to strata manager Peter Bone, there was an anonymous phone call to Lot 158 on 26 February 2013 (male voice) with clear instruction to stop CTTT cases or risk own life, with suggestion to disappear from complex. Less threatening anonymous phone call also occurred in 2012, which we ignored as prank.

Evidence that Solicitor Adrian Mueller knew about summonses for strata manager Peter Bone and was actively involved on 26 February 2013 exist in Solicitor's invoices.

On 22 March 2013, Lot 158 submitted letter to Minister for NSW Fair Trading, who promised to investigate in case FTMIN13-561 (no evidence of his actions was ever found):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Lot-158-email-to-Fair-Trading-Minister-ignored-2013.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NSW-Minister-reference-FTMIN13-561-promise-to-investigate-death-threat-and-other-issues-in-CTTT-cases-12-50460-and-12-32675-22Mar2013.pdf>

On 15 November 2013, Lot 158 made a complaint against CTTT bias and lack of actions in regards to death threat, which Tribunal Member Ms. Thode ignored:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Single-file-for-extension-of-time-CTTT-13-50737-complaint-about-CTTT-bias-46-pages-including-Thode-ignorance-15Nov2013.pdf>

20.4) Police Event E115593702 on 31 October 2015 - verbal attack and assault in elevator area by executive committee member Mr. Moses Levitt on female owner of Lot 158 wife (owners of Lot 147 Mr. and Mrs. Levitt also called Lot 158 "non-believers" on number of occasions - whatever they meant by that!).

20.5) Police Event E59750519 on 18 November 2015 - evidence of financial mismanagement and false statements to CTTT by Executive Committee member Mr. Bruce Copland and BCS Strata Management.

20.6) Police Event H64596706 on 14 May 2017 - staff member of Uniqueco Property Services Mr. Steve Westrip tried to cause criminal record for Lot 158 who tried to discuss and defend his wife against persistent stalking (case was later dismissed in Local Court), Mr. Steve Westrip and his manager Mr. Steve Carbone received numerous advanced complaints and pleas to stop with intimidation of female owner but they had ignored it.

20.7) Police Event E66107079 on 31 August 2017 - continuous stalking of female owner of Lot 158 by Uniqueco Property Services Mr. Steve Carbone.

20.8) Police Event E244254697 on 26 March 2018 - one week after the alleged assault committed by Lot 158 against Mr. Steve Westrip was dismissed in court, staff member of Uniqueco Property Services Mr. Steve Westrip again followed female owner of Lot 158 and caused harassment, intimidation, and fear which ended with her being taken to hospital with blood pressure above 220.

Screenshot from dashboard camera, recording threatening appearance of building management staff who tried to wait and approach the female owner near the elevator in the basement. At that time, female owner asked for assistance from a neighbour who happened to be in his garage. Videos from dashboard camera and sound of a crying female are too stressful to show to ordinary people.

Mr. Steve Westrip is still employed by Uniqueco Property Services, in spite of other owners also reporting his violent behaviour:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-owner-complaint-against-Steve-Westrip-18Mar2019.pdf>

20.9) Police event E69860959 on 26 October 2018 - staff member of Uniqueco Property Service Mr. Steve Westrip again tried to intimidate female owner of Lot 158 by taking photos/videos of her on his mobile phone without valid reason and acting in threatening manner towards her.

20.10) Police event E265804296 on 14 November 2018 - two staff members of Uniqueco Property Services (one of them was Mr. Steve Westrip and the other ageing cleaner Ms. Dorothy) tried to intimidate Lot 158 whilst he was collecting video and photo evidence of poor maintenance of the complex and fire safety non-compliance with state regulations (four years later as of November 2022, Uniqueco Property Services and Waratah Strata Management still have not complied with Ryde Council fire orders).

20.11) Police event E372820993 on 11 August 2019 - staff member of Uniqueco Property Services Mr. Steve Westrip stalked and tried to intimidate Lot 158 whilst they were collecting video and photo evidence of damages to the tennis court.

20.12) Police event E72924428 on 11 October 2019 – car of female owner of Lot 158 was damaged whilst parked on common property (by coincidence or not, Mr. Steve Westrip was working in the complex on that day and car of unfinancial committee member Mr. Stan Pogorelsky showed up parked near her car.

20.13) Police event E74640451 on 17 October 2019 - executive committee member Mr. Jeffery Wang illegal recording of Lot 158 on his mobile phone at Annual General Meeting (it took three attempts to force him to stop - he ignored email sent to him after the meeting).

20.14) Police event E145042401 on 10 June 2020 - deliberate attempt by committee member Mr. Moses Levitt to cause fear by ignoring request from female owner of Lot 158 not to enter elevator after her, in spite of her continuous wishes to not be with him in any confined space and his own statements on 13 November 2014. Mr. Levitt forced the female owner to leave the elevator and then he used it by himself:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-147-complaint-about-Lot-158-13Nov2014.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/E-145042401-10Jun2020.m4v>

On 13 November 2014, whilst unfinancial, Mr. Levitt wrote:

The following letter to DB is a reply to his assertions and for record purposes and does not require action on your part.

Mr and Mrs B

I am aware of your latest diatribe making false accusations and innuendos.

I also understand that you maintain that "peaceful enjoyment" of living in this complex is compromised by the actions of certain individuals.

I must point out, and bring to the attention of all concerned, that it is your behaviour that is causing stress and resentment in what was once a very happy community.

Mrs B, who is probably twice my size, and half my age, has on a number of occasions closed the elevator door in my face as I was about to enter the elevator behind her. On these occasions I reopened the door, probably putting myself at some risk. This behaviour on her part is reprehensible, inconsiderate, and can in no way contribute to peace and harmony in the complex. I know of some residents who will sit in their cars waiting for her to disappear before coming out and waiting for the elevator to return.

I am not wasting time asking for an apology as I would not accept anything that she says in good faith.

We have lived in this complex for 14 years and out of 200 plus residences the occupants of only one unit have consistently acted in a confrontational manner. Mr B has sworn at residents and behaved in a threatening way. He has made false accusations in front of my friends in my presence. He also seems to think that he has the right to monitor who our friends are and who we associate with. This is not STASILAND and I suggest that he minds his own business.

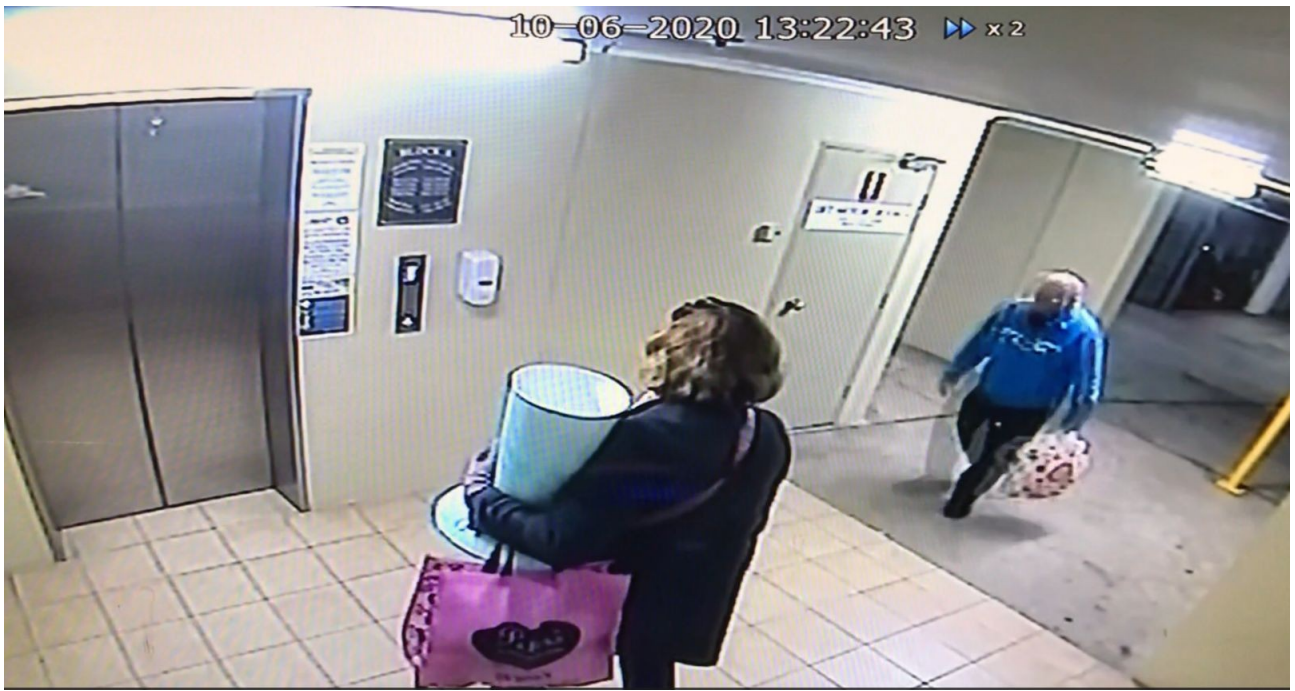
I will not hesitate to bring his behaviour to the attention of the wider public in this complex and will raise the matter of his behaviour at the AGM if he persists.

The video of the incident was provided by Waratah Strata Management on 23 July 2020 where they gave access to CCTV recording dated 10 June 2020 but failed to provide access to CCTV footage for another incident, related to Mr. Stan Pogorelsky, dated 29 June 2020 (non-compliance with COVID-19). In the email, Mr. Frank Tallaridi, strata manager at the time, wrote:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-strata-manager-response-for-CCTV-footage-23Jul2020.pdf>

Just letting you know that the USB will be ready for collection from the Caretaker's Office on Friday, 24th July 2020.

Please note that only the footage of the incident 10 June 2020 is available and not that from the 29th June 2020 as the footage overwrites after 18 days and advice to keep that footage was not noted.







20.15) Police Event E95762188 on 12 April 2023: Lot 193 non-compliance with By-Law 3 - forcefully entered elevator and unnecessary harassed Lot 158 in Block A, including attempt to cause physical harm with her umbrella.

20.16) 23 June 2024: Waratah Strata Management and Uniqueco Property Services again ignored much more serious attack by Lot 182 female owner. Extract from Lot 158 email:

We are sending this email to obtain CCTV footage as follows:

Location: SP52948 CCTV camera in foyer of Block A

Description: Lot 182 (to be confirmed!) non-compliance with By-Law 3 - forcefully entered elevator, expelled Lot 158 owners, and unnecessary harassed Lot 158 owners

Date: 23 June 2024, approximately between 13:25 and 13:30 hours

We ask that SP52948 ensures the footage is not destroyed and confirms in writing that it has been retained and copy provided to Lot 158 promptly.

It is emphasized that number of previous requests for CCTV were ignored.

On 22 October 2020, Director of Uniqueco Property Services openly decided to ignore request for CCTV recording (attachment "SP52948-Uniqueco-Property-Services-refusing-access-to-CCTV-22Oct2020.png").

1) Between 13:25 hours and 13:30 hours on 23 June 2024, foyer of Block A: two owners from Lot 158 were going in elevator from level 2 to basement, when the elevator was stopped on ground floor.

2) Lot 182 owner (we might be wrong about it, but screenshot in attachment "SP52948-owner-entering-elevator-without-approval-23Jun2023.png" from mobile can easily identify the person), forcefully entered the elevator in spite of warning to stay outside to avoid risks of germ spreading and infections.

3) Her direct response was "I do not care".

4) Female owner of Lot 158 simply exited the elevator, to avoid any dealings with unreasonable and unpleasant person.

5) Male owner of Lot 158 wanted to clarify reasons why Lot 182 was so rude and ignorant, but she continued to use phrase "stupid man", waved her hand towards Lot 158 multiple times and acted like a dismissive person would, and even raised her umbrella to threaten Lot 158.

6) Part of her actions was recorded on Lot 158 mobile with open warning to Lot 182 that this was done for evidence.

7) Both owners of Lot 182, and almost all owners in SP52948 are fully aware that Lot 158 tenants NEVER enter elevators if there is someone else already traveling. They personally knew and experienced such actions by Lot 158 in the past.

8) In summary, Lot 182 was politely asked not to enter and overcrowd the limited space in the elevator. Her forceful actions were irrefutable.

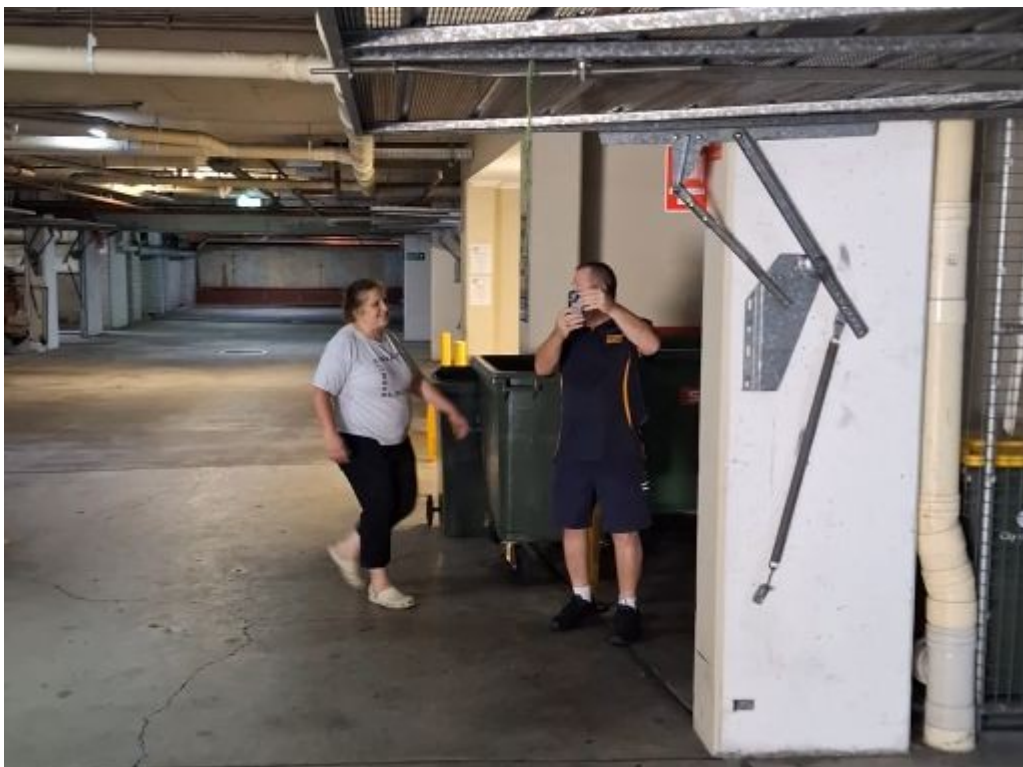
9) By forcefully entering the elevator (in spite of what any reasonable person would do in time of continuous Covid-19 and flu seasons) Lot 182 deliberately exhibited behavior that bordered with harassment, nuisance, and intimidation.

10) We have no relationship with Lot 182 and no interest in having one. Her erratic behavior was deliberate and unjustified.

11) Video evidence from CCTV recording from camera in Block A foyer can confirm this event.

20.17) Crime Stoppers case 1022653 on 6 December 2024 (illegal use of electric scooter in the complex and parking on common property by Mr. Steve Carbone since 2020, with emphasis on threats by Mr. Carbone during the collection of photo evidence, including making loud repetitive orders to Lot 158 to “go back to Block A”, presumably not allowing him to walk freely within the complex).

Whilst Lot 158 was taking photos on illegally parked electric scooter on common property, building manager Steve Carbone was recording him, without authorisation, from behind. When Lot 158 turned around and warned Mr. Carbone, all of a sudden alleged committee member Mrs. Marianna Paltikian rushed from her garage to join Mr. Carbone to “defend” him, whilst ignoring the fact about illegal use of electric scooter.





- Over the next 10-odd minutes both Lot 88 and the building manager acted erratically, yelled, and avoided to answer any questions.
- Lot 158 insisted on getting the answer who allowed the building manager to ride scooter in the complex, and got no answers, but soon afterwards, the staff of the building manager wheeled the scooter inside private garage of Lot 37, hiding it behind the parked car.
- Mr. Carbone repeated several times that Lot 158 should only be in Block A and there was no business for this owner in other parts of the complex?!?!
- Waratah Strata Management was warned about building manager's use of scooter as early as 23 December 2020.
- Waratah Strata Management, insurance company, and committee members were repeatedly warned about scooters since 18 August 2023.
- Waratah Strata Management, insurance company, committee members, and Uniqueco Property Services were made aware of risks, including scooters in August 2024.
- At non-compliant committee meeting on 2 April 2024, Solicitor Adrian Mueller was allegedly engaged to draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment. Such Motion was not presented at AGM on 28 November 2024 and Waratah Strata Management refused to comment about costs paid to the Solicitor. The committee meeting on 2 April 2024 failed to meet the quorum (7 of 9 strata committee members were allegedly financial for the purposes of this meeting but out of 4 who voted at the meeting, one was, in reality, unfinancial to vote and illegal to be a committee member due to self-nomination and unpaid gas heating levies - Mr. Stan Pogorelsky, Lot 181) and the other due to self-nomination at previous general meetings (Mr. Ramesh Desai, Lot 159).
- Agenda was created on 26 March 2024 and scheduled for 2 April 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years. No owner received full information about financial status, where Admin Fund had deficit (negative balance) of -\$190,762.04 one day before the agenda was sent to owners. Even worse, no owner received full information about financial status, where Admin Fund had deficit (negative balance) of -\$200,148.73 on the day of the alleged meeting. Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement.

Agenda did not contain details of time and place of the meeting, denying owners their right to attend in person, if they wish so, and with 25% of voting rights to make decision any way they wanted without committee members. None of six notice boards published agenda of the alleged meeting at any time before the meeting (photo evidence was collected). None of six notice boards published agenda of the alleged meeting at any time after the meeting (photo evidence was collected). Waratah Strata Management website on two main pages did not list any meeting for this date (photo and video evidence was collected).

This alleged committee meeting was approving engagement of Solicitor Adrian Mueller in accordance with its fee proposal received 18/03/24 to:

- (i) provide advice in relation to recent communication from Lot 158; and
- (ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.

The outcome of this “engagement” have never been published and the By-Law not presented at AGM on 28 November 2024. The payments to Solicitor Adrian Mueller in 2024 are still undisclosed.

21) Mr. Pogorelsky, whilst unfinancial, to protect own greed and interest of group of his friends, prevented access to CCTV recordings 10 times (even Police did not get access to them). Few examples:

<https://www.nswstratasleuth.info/SP52948-Example-of-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019.html>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-allowed-CCTV-evidence-to-be-overwritten-23Jul2020.html>

<https://www.nswstratasleuth.info/SP52948-reminder-to-Waratah-Strata-Management-about-failures-to-provide-CCTV-recordings-6Apr2023.html>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-ignored-request-for-CCTV-retention-in-Police-Event-E95762188-on-13Apr2023.html>

22) Mr. Pogorelsky, whilst unfinancial, actively prevented repairs of common property in Lot 158 and the complex, causing further health issues and discomfort to tenants.

<https://www.nswstratasleuth.info/SP52948-unresolved-common-property-maintenance-issues-in-Lot-158.html>

22.1) Persistent problems with smoking have been ignored.

<https://www.nswstratasleuth.info/SP52948-continuous-problems-with-smoking-and-health-hazards.html>

<https://www.nswstratasleuth.info/FINAL-WARNING-submitted-to-Waratah-Strata-Management-FOR-IMMEDIATE-ACTION-SP52948-providing-illegal-smoking-facility-behind-fire-door-2-in-Block-A-9May2019.html>

<https://www.nswstratasleuth.info/SP52948-13th-complaint-about-smoking-submitted-to-Waratah-Strata-Management-8Mar2020.html>

<https://www.nswstratasleuth.info/SP52948-request-to-ex-committee-member-Maureen-McDonald-to-prevent-her-visitor-from-smoking-30Dec2022.html>

Smoking creates deliberate nuisance to Lot 158 and many other quite owners who simply put up with it,

- Serious health hazard for fragile owner of Lot 158 due to smoke drift into two bedrooms and the balcony,
- Secondhand smoke - harmful to health, and there is no safe level of exposure (Cancer Council NSW),
- Damage to furniture and cloths in Lot 158 due to persistent cigarette smell.

22.2) BCS Strata Management (predecessor to Waratah Strata Management until 1 February 2017), Waratah Strata Management, and Uniqueco Property Services have history of continuous non-compliance with fire and OH&S regulations.

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

- An extract from complaint by City of Ryde Council to BCS Strata Management on 3 November 2016 about not receiving any comments about serious fire safety breaches for three months:



- Secret email between strata manager and committee members on 12 March 2021 shows their intention to force owners to pay for their own smoke alarms:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-88-wrong-advice-about-smoke-alarm-maintenance-12Mar2021.png>

- Document search on 8 June 2022 found secret email from Uniqueco Property Services Director Steve Carbone and Waratah Strata Management on 4 February 2021, delaying fire safety rectification work simply due to Ryde Council not sending them official orders:

<https://www.nswstratasleuth.info/SP52948-email-between-building-manager-and-Waratah-Strata-Manager-delaying-fire-safety-remediation-due-to-lack-of-offical-orders-by-Council-4Feb2021.png>

We were not planning on sending this to Council, unless instructed.

...

I believe we should hold this report until Council comes back to us with a formal Order.

- Waratah Strata Management and committee members, including unfinancial Mr. Pogorelsky, refused to maintain obsolete smoke alarms in units, until advice from Bannermans Lawyers forced them to change as per Chairperson John Gore's email on 12 March 2021:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Chairperson-worried-about-smoke-alarm-maintenance-advice-from-Bannermans-12Mar2021.png>

Having read the Bannermans attachment I am not comfortable with the proposed correspondence to owners.

The advice says:

A smoke alarm situated within a lot which was installed by the owners corporation or developer or is wired to the building fire safety board will represent common property.

- Waratah Strata Management, Uniqueco Property Services, and committee members continuously ignored Lot 158 warnings about smoke alarms being common property and for period of several years refused to replace faulty or obsolete alarms in units, with special emphasis on Lot 158:

<https://www.nswstratasleuth.info/SP52948-Notice-to-Residents-Smoke-Detector-Replacement.pdf>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-misleading-information-about-smoke-alarms-EC-Meeting-21Mar2019.webp>

<https://www.nswstratasleuth.info/SP52948-FINAL-REQUEST-to-FOR-OFFICIAL-RESPONSE-AND-ACTION-replacement-of-obsolete-smoke-detectors-in-Lot-158-9May2019.html>

<https://www.nswstratasleuth.info/SUMMARY-SP52948-smoke-alarm-deliberately-misleading-and-misconstrued-statements-by-Waratah-Strata-Management-to-owners-in-March-2019-7Jul2019.html>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-refused-to-provide-fire-safety-report-and-tried-to-force-owner-to-pay-for-own-smoke-alarms-replacement-whilst-common-funds-paid-form-them-for-20-years-7Mar2020.html>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-ignored-evidence-of-long-term-problems-with-ventilation-smoke-alarms-and-non-compliance-with-Residential-Tenancy-Act-2010-19Apr2021.html>

22.3) Maintenance of trees in the complex and co-operation with City of Ryde is below acceptable standards and creates insurance costs and safety risks. We had number of incidents, damaging common property and causing significant costs:

<https://www.nswstratasleuth.info/SP52948-risks-with-fallen-trees-and-lack-of-their-proactive-maintenance.html>



22.4) Mr. Pogorelsky, whilst unfinancial, fully supports frequent illegal parking on common property and Uniqueco Property Services Director Steve Carbone parking his vehicles and ride-on-mower in private garages:

<https://www.nswstratasleuth.info/SP52948-persistent-problems-with-parking-on-common-property.html>

<https://www.nswstratasleuth.info/SP52948-building-manager-Steve-Carbone-parking-in-private-garages.pdf>

22.5) Lack of proactive maintenance of gardens creates additional risks and expenses:

<https://www.nswstratasleuth.info/SP52948-ongoing-problems-in-gardens.html>

22.6) Since 2015, Mr. Pogorelsky, whilst unfinancial, ignored complaints about his misappropriation of supermarket trolleys that he keeps in his garage and uses on common property:

<https://www.nswstratasleuth.info/SP52948-Lot-158-concerns-about-Lot-181-keeping-supermarket-trolleys-as-own-10Sep2015.html>

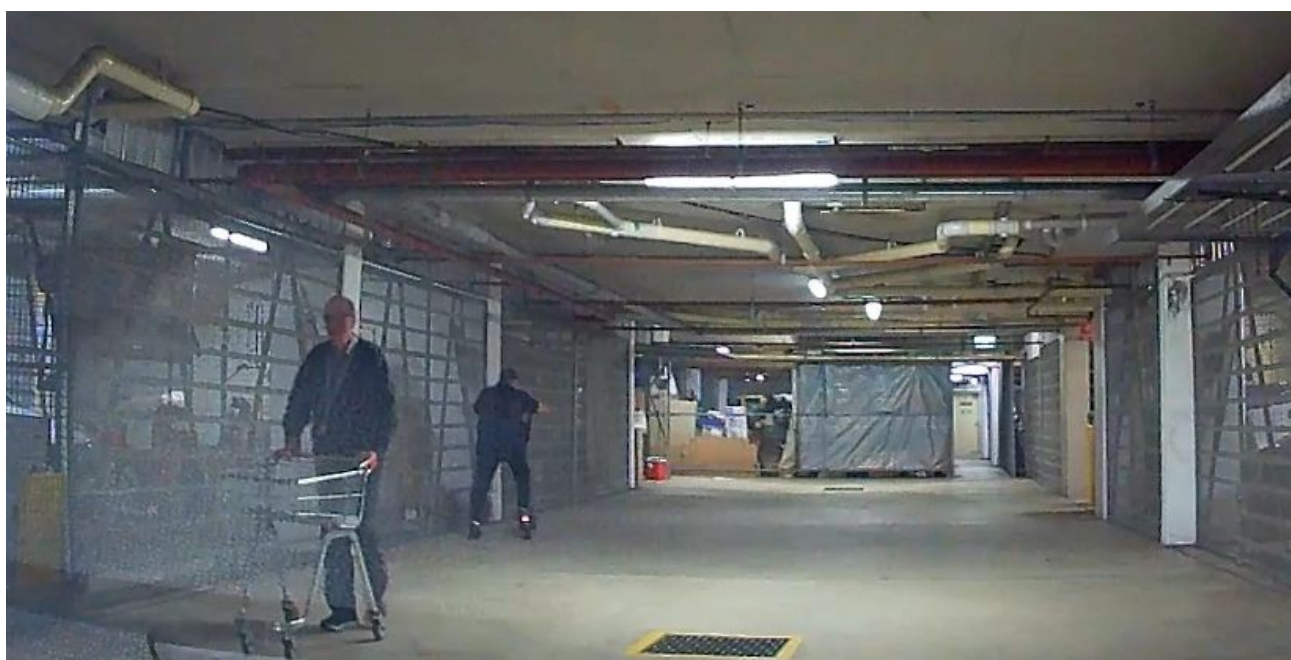
<https://www.nswstratasleuth.info/SP52948-undisclosed-supermarket-trolley-and-no-action-by-EC-and-BCS-Strata-Management-Aug2015.pdf>

<https://www.nswstratasleuth.info/SP52948-Lot-181-Stan-Pogorelsky-using-shopping-centre-trolley-31Aug2020.png>

<https://www.nswstratasleuth.info/SP52948-Lot-181-Stan-Pogorelsky-using-shopping-centre-trolley-10Aug2021.png>

<https://www.nswstratasleuth.info/SP52948-Stan-Pogorelsky-with-shopping-centre-trolley-and-Steve-Carbone-with-e-scooter-12Jul2023.webp>

<https://www.nswstratasleuth.info/SP52948-Stan-Pogorelsky-with-shopping-centre-trolley-and-Steve-Carbone-with-e-scooter-photo-2-12Jul2023.webp>



Mr. Stan Pogorelsky was asked to prove that he had acquired the trolley from Woolworth's legally, and he never replied:

- Proof of purchase, or
- Consent from the supermarket in explicit form

Other complaints about stolen trolleys and the risks to damages to common property are constantly ignored:

<https://www.nswstratasleuth.info/SP52948-risks-with-shopping-centre-trolleys.html>

22.7) Mr. Pogorelsky, whilst unfinancial, supported Solicitor Adrian Mueller to hide information from the Tribunal in NCAT case SC 20/33352, so that the Tribunal made the following decision:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20-33352%20Sarginson%20Reserved.pdf>

The applicant has failed to satisfy the Tribunal that the owners corporation and/or the strata committee has breached the SSMA by making decisions regarding building management; maintenance; and/or capital works that were ultra vires. The applicant has been unable to clearly identify and support with documentary evidence any decisions of strata committee members that were undertaken without an appropriate resolution having been passed or being outside the functions identified in ss 36, 42, 43 and 44 of the SSMA.

This is an unredacted extract from SP52948 insurance policy for half-year of 2025 (expires on 4:00PM on 21 March 2025):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf>

Machinery Breakdown - Blanket Cover excluding Chillers & Lifts

Machinery Breakdown cover includes all electrical and mechanical plant and equipment at the situation but excludes:

- 1. centrifugal chillers*
- 2. lifts not having in force at all times a full maintenance agreement including parts & labour.*

Building Defects Additional policy exclusion Building Defects and remedial work exclusion (applicable to all sections) We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports.

22.8) Examples of repetitive complaints about Lot 158 problems, which strata and building managers, and committee members failed to rectify, endangering safety of Lot 158 tenants, causing increase in insurance costs and risks, and non-compliance with fire safety regulations:

<https://www.nswstratasleuth.info/SP52948-response-by-Uniqueco-Property-Services-about-lack-of-maintenance-in-Lot-158-9Dec202019.html>

<https://www.nswstratasleuth.info/SP52958-Lot-158-outstanding-dangers-due-to-lack-of-maintenance-of-common-property-12May2021.pdf>

22.9) Intercom in Lot 158 is faulty and seldom operates properly.

All intercom access points were scheduled to be tested in Block A on 10 February 2022. Lot 158 complained about their device not working several times and no repair or checks were done. On 10 February 2022, Lot 158 was not visited by H&T Security whilst all other units in Block A were checked:



22.10) The worst issue is the unrepaired water leak in Lot 158 sunroom – potential OH&S and fire safety risk:



Few video records of unrepaired sunroom leak:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-19Feb2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-increased-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-14Jun2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-increased-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-16Jun2024.mp4>


<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-humidity-measurements-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-16Jun2024-video-1.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-humidity-measurements-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-16Jun2024-video-2.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Lot-158-increased-sunroom-water-leak-near-electrical-lighting-unrepaired-since-late-2020-as-of-16Jan2025.mp4>

These are industry standards:

Moisture Meter



Crommelin®
Waterproofing & Sealing

MOISTURE CONTENT GUIDE		
Reading	Concrete Mode	Timber Mode
0% - 5.9%	Low	Very Low
5.9 – 9.9%	Medium	Low
10% - 19.9%	High	Medium
20% +	Very high	High

22.11) Poor ventilation in laundry and one bathroom:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-ensuite-bathroom-vent-not-operational-22Jun2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-main-bathroom-weak-ventilation-18Aug2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-laundry-weak-ventilation-18Aug2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Lot-158-ensuite-bathroom-strong-ventilation-fully-operational-18Aug2024.mp4>

22.12) Repeated complaints about sightings of silverfish.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-repeated-incident-with-silverfish-Lot-158-bathroom-video-1-17Jan2024.mp4>

23) Mr. Pogorelsky, whilst unfinancial, created huge OH&S and fire safety risks, whilst also delaying other overdue upgrades (roof membranes, roofs on townhouses, garden beds, hot water heating, water leaks, and more).

23.1) Apart from having \$10,000.00 excess for each and every water-related damage or exploratory work, which SP52948 has in insurance policy since 2012 due to ongoing problems and poor maintenance record, SP52948 owners now have new exclusions and problems:

<https://www.nswstratasleuth.info/SP52948-incomplete-insurance-policy-disclosures-to-owners-in-period-2012-to-2023.pdf>

Due to lack of funds and high risks, SP52948 cannot renew the insurance policy for the whole year in 2025.

23.2) This is an unredacted extract from SP52948 insurance policy for half-year of 2025 (expires at 4:00 PM on 21 March 2025):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf>

Machinery Breakdown - Blanket Cover excluding Chillers & Lifts

Machinery Breakdown cover includes all electrical and mechanical plant and equipment at the situation but excludes:

- 1. centrifugal chillers*
- 2. lifts not having in force at all times a full maintenance agreement including parts & labour.*

Building Defects Additional policy exclusion Building Defects and remedial work exclusion (applicable to all sections)
We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports.

Risk Survey

Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request.

Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth).

It is important for the insured to know that Strata Unit Underwriters may make changes to this Policy as a result of a change in the insured's information. When there is a change, Strata Unit Underwriters will inform you. If the insured is not satisfied with the changes, the insured may cancel the policy.

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

<https://www.nswstratasleuth.info/SP52948-ongoing-maintenance-problems-mostly-ignored-by-Waratah-Strata-Management.html>

<https://www.nswstratasleuth.info/SP52948-ongoing-problems-in-gardens.html>

<https://www.nswstratasleuth.info/SP52948-continuous-problems-with-smoking-and-health-hazards.html>

<https://www.nswstratasleuth.info/SP52948-risks-with-fallen-trees-and-lack-of-their-proactive-maintenance.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-3-19Jul2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-4-18Aug2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-5-12Sep2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-6-13Sep2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-7-26Sep2023.html>

24) In period since 2017 alone, Mr. Pogorelsky, whilst unfinancial, was a direct accessory in five non-compliance events with Clause 21 of the Strata Schemes Management Regulations 2016 which requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015 and provided to owners before or at general meetings:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html>

Date of Signed Auditor's Report	Owners received Auditor's Report?	Auditor's Document
20 October 2017 (published two and half years after due date without any financial details in late April 2020 but backdated on Waratah Strata Management website to 31 August 2017, Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced")	No	SP52948-Audit-FY-ending-31Aug2017-appeared-after-two-and-half-years
18 October 2018 (1 day after due date - but not published even as late as 29 May 2019 , and Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced")	No	SP52948-Audit-FY-ending-31Aug2018
3 November 2020 (13 days after due date)	No	SP52948-Audit-FY-ending-31Aug2020
7 December 2022 (43 days after due date)	No	SP52948-Audit-FY-ending-31Aug2022
11 December 2023 (46 days after due date, but only made available on 14 December 2023, 49 days after due date)	No	SP52948-Audit-FY-ending-31Aug2023

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-letter-to-Lot-158-Solicitor-rejecting-access-to-strata-files-on-14Nov2019.pdf>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-empty-Documents-folder-29May2019.PNG>

24.1) In addition, many errors in audited accounts exist and Mr. Pogorelsky ensured not to let owners know about them. Examples:

<https://www.nswstratasleuth.info/SP52948-dubious-utility-expenses-and-financial-accounting-data-generated-by-Waratah-Strata-Management-for-FY2018-two-days-before-strata-document-search-29May2019.pdf>

<https://www.nswstratasleuth.info/SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf>

<https://www.nswstratasleuth.info/SP52948-FY-2023-differences-between-Economos-audited-and-owner-approved-accounting-figures-for-electricity.webp>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-forged-FY2023-Auditor-Report-date-of-issue-14Dec2023.webp>

25) In 2012, whilst unfinancial, Mr. Pogorelsky supported and assisted BCS Strata Management to send agenda for AGM on 4 October 2012, with Bamfield Auditor report which was signed on 25 August 2012, five days before actual end of financial year, but allegedly presented to strata manager on 26 September 2012:

<https://www.nswstratasleuth.info/SP52948-Bamfield-Auditor-falsified-accounts-for-FY-2012-26Sep2012.pdf>

25.1) On 8 October 2012, Chairperson Bruce Copland, in panic, sent secret email to strata manager reporting many problems with audited accounts. Among the others, The accounts attached to the AGM notice had no comparative figures for previous five-year period and reported Admin Fund having \$61,904.00 whereas the real balance was only \$16,372.00, and Sinking Fund was reported having \$742,593.00 whereas the real balance was \$800,300.00:

<https://www.nswstratasleuth.info/SP52948-Chairperson-Bruce-Copland-confirming-wrong-financial-accounts-attached-to-AGM-notice-8Oct2012.pdf>

25.2) Instead of asking Bamfield for new audit, BCS Strata Management simply sent another falsified accounts in addendum on 11 October 2012 (prepared on 9 October but sent two days later for AGM scheduled for 17 October 2012, not giving sufficient time for owners to receive the notice that would be legally compliant - not counting date of postage, weekend, and day of general meeting only three days were allowed for notice delivery):

<https://www.nswstratasleuth.info/SP52948-alleged-financial-status-for-AGM-4Oct2012.webp>

<https://www.nswstratasleuth.info/SP52948-alleged-financial-status-for-AGM-9Oct2012.webp>

It did not make any sense that AGM agenda on 4 October 2012 sent "wrong" version of financials dated 18 September 2012 when there was another (allegedly corrected) version dated 21 September 2012.

25.3) At AGM on 17 October 2012, Chairperson Bruce Copland provided full set of false statements about errors in audited accounts (including alleged amendment of date of the audit from 26 August 2012 to 26 September 2012, as extract from official minutes of the meeting confirmed:

<https://www.nswstratasleuth.info/SP52948-Chairperson-Bruce-Copland-lied-to-owners-about-date-corrections-in-audited-accounts-at-AGM-17Oct2012.webp>

25.4) Eight years later, in spite of alleged ransomware attack on Waratah Strata Management website in 2019 and lost USB key with all strata files in April 2018, Waratah Strata "managed" to find and publish SP52948 audited accounts for FY 2012 - still available on their website as of February 2024. The report contained original (falsified) Bamfield's letterhead dated 26 September 2012, BCS Strata Management stamp on it dated 27 September 2012, and Bamfield's signature on page 4 dated 26 August 2012. By publishing this falsified report, Waratah Strata Management became accessory to crime after the event - they even forged date of published report as 27 September 2012 (screenshot and video of Waratah Strata website proved it on 8 February 2024):

<https://www.nswstratasleuth.info/Audit-Report-2012-downloaded-13Dec2020.pdf>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-website-screenshot-on-8Feb2024-for-falsified-date-of-FY-2012-audited-accounts-27Sep2012.webp>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-website-video-on-8Feb2024-for-falsified-date-of-FY-2012-audited-accounts-27Sep2012.mp4>

26) Mr. Pogorelsky, whilst unfinancial, assisted BCS Strata Management to forge accounting data in 2013. In first six-monthly financial report on 28 February 2013, BCS Strata Management hid Solicitor Adrian Mueller's unauthorised legal costs and listed only \$200.00, but when pressured by Lot 98 and 158, changed the document in March 2013 with "updated" legal costs in amount of staggering \$12,914.65:

https://www.nswstratasleuth.info/SP52948-FONTENOY_FIN%20REPORT_SEP2012_FEB2013-balance-sheet.pdf

and after the forced updates:

https://www.nswstratasleuth.info/SP52948-FONTENOY_FIN_REPORT_SEP2012_FEB2013-balance-sheet-amended-in-March2013.pdf

Just before the Annual General Meeting in October 2013, BCS Strata Management removed the amended financials again to ensure success of the meeting in their favour - Document ID 5304628 on their website disappeared forever:

<https://www.nswstratasleuth.info/BCS-Strata-Management-Example-of-Manipulating-Accounting-Figures-and-then-Destroying-Official-Document-2013.pdf>

<https://www.nswstratasleuth.info/BCS-Strata-Management-Engaging-Auditors-Bamfield-Hayes-Knight-and-Example-of-Lack-of-Accountability-2013-2014.pdf>

27) Mr. Pogorelsky, whilst unfinancial, was direct accessory to preparing AGM 2015 without audited accounts, as confirmed in agenda for the meeting.

<https://www.nswstratasleuth.info/SP52948-agenda-for-AGM-19Oct2015.pdf>

28) Mr. Pogorelsky, whilst unfinancial, was direct accessory to preparing AGM 2016 without audited accounts, as confirmed in the agenda for the meeting.

<https://www.nswstratasleuth.info/SP52948-agenda-for-AGM-4Oct2016.pdf>

<https://www.nswstratasleuth.info/Audit-Report-FY-2016-signed-11Oct2016.pdf>

It is also important to note that the first time gas heating levies were listed as SEPARATE ITEM in accounting in audited reports in FY 2018 (19 years after its secret roll-out and benefits to selective small group of owners and committee members).

29) Mr. Pogorelsky, whilst unfinancial, was one of the ringleaders who allowed five fraudulent insurance claims:

29.1) Four insurance claims with CHU Insurance for non-existent “Defence of Lot 3” in CTTT case SCS 12/32675 after secret insurance policy change several weeks before the first claim.

CHU Insurance paid \$24,919.31 (GST excl) in total. Lot 158 paid \$26,500.00 (GST excl) because of falsified statements by Solicitor Adrian Mueller to CTTT and District Court, and five versions of his Standard Costs Agreement of which four were falsified. The claims were made for “Defence of Lot 3” in spite of Solicitor Adrian Mueller’s letter to CTTT confirming that Lot 3 was not part of legal proceedings on 26 October 2012.

<https://www.nswstratasleuth.info/SP52948-Lot-3-all-four-insurance-claims-NH201212589.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Solicitor-Mueller-Letter-to-CTTT-confirming-Lot-3-not-part-of-proceedings-26Oct2012.pdf>

29.2) Four years later, CHU Insurance forced recovery of \$8,800.00 from SP52948.

<https://www.nswstratasleuth.info/SP52948-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-28Aug2012.webp>

<https://www.nswstratasleuth.info/SP52948-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-29Jan2013.webp>

<https://www.nswstratasleuth.info/SP52948-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-16Apr2013.webp>

<https://www.nswstratasleuth.info/SP52948-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-19Apr2013.webp>

<https://www.nswstratasleuth.info/SP52948-repayment-to-CHU-Insurance-23Mar2017.webp>

29.3) Mr. Pogorelsky was also an accessory to secret change of insurance policy on 1 August 2012 so that claims for legal fees for Solicitor Adrian Mueller could proceed without owners corporation approval:

<https://www.nswstratasleuth.info/SP52948-CHU-Insurance-AJG-Broker-and-BCS-Strata-Management-high-risk-insurance-claim-for-legal-costs-1Aug2012.pdf>

29.4) One insurance claim with SUU Insurance for NCAT case SC 20/33352. Insurance company paid \$19,758.14 (GST excl) on 24 March 2022 (just six days after Supreme Court Barrister Julie Wright’s initial correspondence on 18 March 2022), as confirmed in secret email from Waratah Strata Management to committee members on 25 March 2022. SUU Insurance got reimbursed one year later for \$14,917.60 (GST excl) when Lot 158 paid Supreme Court “penalty” in amount of \$23,744.42 (GST excl) for the same Solicitor’s claim (\$25,158.14 (GST excl)).

<https://www.nswstratasleuth.info/SP52948-Income-and-Expenditure-Report-1Sep2021-to-25Mar2022.pdf>

<https://www.nswstratasleuth.info/Supreme-Court-Costs-Assessor-Julie-Wright-accepts-Solicitor-Adrian-Mueller-statement-about-legality-of-meetings-and-his-engagement-26Apr2022.pdf>

<https://www.nswstratasleuth.info/Barrister-Julie-Wright-refusal-to-act-about-her-serious-misconduct-as-Supreme-Court-Assessor.html>

<https://www.nswstratasleuth.info/SP52948-year-2024/Barrister-Julie-Wright-refused-to-comment-about-her-serious-misconduct-as-Supreme-Court-Assessor-26Mar2024.pdf>

29.5) Handwritten notes by Mr. Robert Crosbie, Waratah Strata Management:

Lot 158 Payment Summary

Receipts	
4/7/22	\$5,000
7/9/22	\$5,000
3/1/22	\$5,000
3/4/23	\$5,000
1/7/23	\$20,000
	3744.72 (Due)
Payments to AIS	
8/8/22	\$5,000
28/5/22	\$5,000
21/2/22	\$5,000
4/4/23	\$1409.38
	\$16409.38

30) Mr. Stan Pogorelsky, directly supported racism on at least three different occasions whilst unfinancial to vote and be a committee member:

30.1) Warning to Lot 159 to stop dignified celebration of Diwali festival on 1 November 2013 (reported by Lot 158 in Anti-Discrimination Act 1977 (NSW) case C-2023-0406).

<https://www.nswstratasleuth.info/SP52948-Lot-159-Diwali-holiday-swastika-warning-1Nov2013-BCS6435199.pdf>

<https://www.nswstratasleuth.info/SP52948-Lot-158-defending-rights-of-Indian-owner-to-celebrate-Diwali-11Nov2013.pdf>

Extract from Lot 158 email:

Recently, a letter surfaced with warning to owners of Lot 159 about their usage of a specific religious sign during their festive season.

These are wonderful, old Indian couple, with humbleness that is exemplary.

They are my neighbors, and good ones in every sense of the word. I am appalled by the ignorance in the letter because swastika sign that was used in Nazi's Germany has nothing to do with 5000-year old swastika sign used in Hinduism, Buddhism, and Jainism, for example.

Note that India's and China's population alone comes to around 2.5 billion, so every third person in the world is either an Indian or a Chinese (simple mathematics). Telling them that they should stop using 5000-year old symbol is horrendous. Of course, there are people who use swastika in many other regions too.

30.2) Police Event E115593702 - owners of Lot 147 Mr. and Mrs. Levitt (close friends of Mr. Pogorelsky) called Lot 158 "non-believers" on number of occasions. Email sent by Lot 158 to building manager Mr. Steve Carbone, seven committee members, and three managers and BCS Strata Management was ignored and never relied to:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Police-report-for-harassment-and-assault-by-Moses-Levitt-31Oct2015.pdf>

Extracts from Lot 158 email:

Among the other things, it was reported that there is continuous bullying by Mr. Moses Levitt and his wife, especially when I am not around, and they even called my wife "non-believer" recently. We presume that they are of superior race and without even knowing what our religion was, (or was not), they had the courage to say such thing. This is clear vilification and discrimination on religious basis.

Evidence why Mr. Moses Levitt behaves like that was also provided (all really related to sheer hate and anger because he and other EC members have been caught in serious mismanagement and fraud in the complex).

...

Attached is warning to Mr. John Ward who tried to harass my wife two months ago at the petrol station. My response to him was clear and simple.

Also a letter to Minister of Fair Trading in 2013.

We need to find out who is behind these actions and who is profiteering on behalf of the owners corporation.

I give everyone an opportunity to prove me wrong by PROVIDING EVIDENCE, the same way I do it. Hiding evidence is only a temporary delay and does not stop actions for transparency of the management in the complex.

30.3) Prevented Lot 158 Motion at AGM 2017 to stop Uniqueco Property Services from racial profiling of Asian community on notice boards.

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Managament-without-legal-grounds-AGM-2017.pdf>

Lot 158 Motion:

Motion: Eliminate racial profiling of Asian community

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms and approves the following:

- *BCS Strata Management, Building Manager Uniqueco Pty Ltd, and EC members submitted specific Asian community to unnecessary racial profiling by displaying messages on notice boards exclusively in their language three times in period 2015/2016,*
- *Strata Managing Agent, Building Manager, and EC members shall not approve or publish any communication on behalf of SP52948 in other languages unless the same note is displayed in English for the duration of the display,*
- *Owners and/or tenants of non-English speaking background shall be approached privately by Strata Managing Agent, Building Manager, and EC members, and appropriate communication established if required,*
- *Owners corporation condemns every attempt to racially discriminate or profile any community, nationality, or religion*

31) Mr. Stan Pogorelsky, whilst unfinancial, directly supported discrimination against Lot 158 who was legally valid committee member, which culminated in so-called "Unreasonable Communications", discriminatory Special By-Law, as advised by Solicitor Adrian Mueller.

Refer to document **NCAT-2024-00454780-001-Rescind-Special-By-Law-11-Unreasonable-Communications-SSMA-2015-Sec150**.

Extract from the Special By-Law:

ANNEXURE "A"

SP 52948 Consolidated By-Laws

"Unreasonable Communications" means Communications that are unreasonable due to the content (defamatory, offensive or otherwise), volume, length or duration, or frequency of the Communications; and

"You" means an Owner or Occupier.

3. Interpretation In this by-law:

- (a) Headings have been inserted for guidance only and do not affect the interpretation of this by-law;
- (b) References to any legislation or like provisions include any legislation or like provisions amending, consolidating or replacing the same, and all by-laws, ordinances, proclamations, regulations, rules and other authorities made under them;
- (c) Words importing the singular number include the plural and vice versa;
- (d) Where any word or phrase is given a definite meaning any part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (e) The provisions of this by-law only apply to the extent permitted by law;
- (f) Any provision of this by-law which is held by a court or tribunal to be illegal, invalid or unenforceable shall be severed from the by-law and the remaining provisions shall remain in effect;
- (g) If there is any inconsistency between this by-law and any other by-law applicable to the Strata Scheme, then the provisions of this by-law will prevail to the extent of that inconsistency.

4. Prohibiting unreasonable communications

- 4.1 You must not engage in or generate any Unreasonable Communications.
- 4.2 You must not assist, encourage or cause any other person including another Owner or Occupier to engage in or generate Unreasonable Communications.

5. Prohibiting Dissemination of Personal Information

- 5.1 You must not disseminate or publish via Communications any Personal Information without the prior written consent of the Owner or Occupier to whom the Personal Information relates.
- 5.2 You must not assist, encourage or cause any other person including another Owner or Occupier to disseminate or publish via Communications any Personal Information without the prior written consent of the Owner or Occupier to whom the Personal Information relates.

32) Mr. Pogorelsky, whilst unfinancial, allowed himself and a group of other owners, to self-nominate for the committee whilst disallowing Lot 158 and stayed silent when requested to comment about it (with special emphasis on units which are co-owned).

32.1) Nine self-nominations at AGM 2017, as per Lot 158 email on 14 November 2021.

<https://www.nswstratasleuth.info/SP52948-problems-with-validity-of-nominations-for-committee-with-example-from-AGM-2017-sent-to-Waratah-Strata-Management-on-14Nov2021.html>

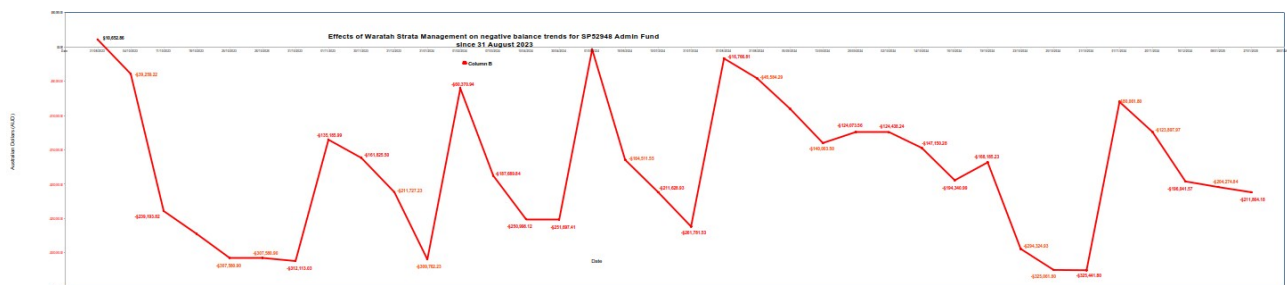
32.2) Nine self-nominations at AGM 2023, as per Lot 158 email on 13 February 2024.

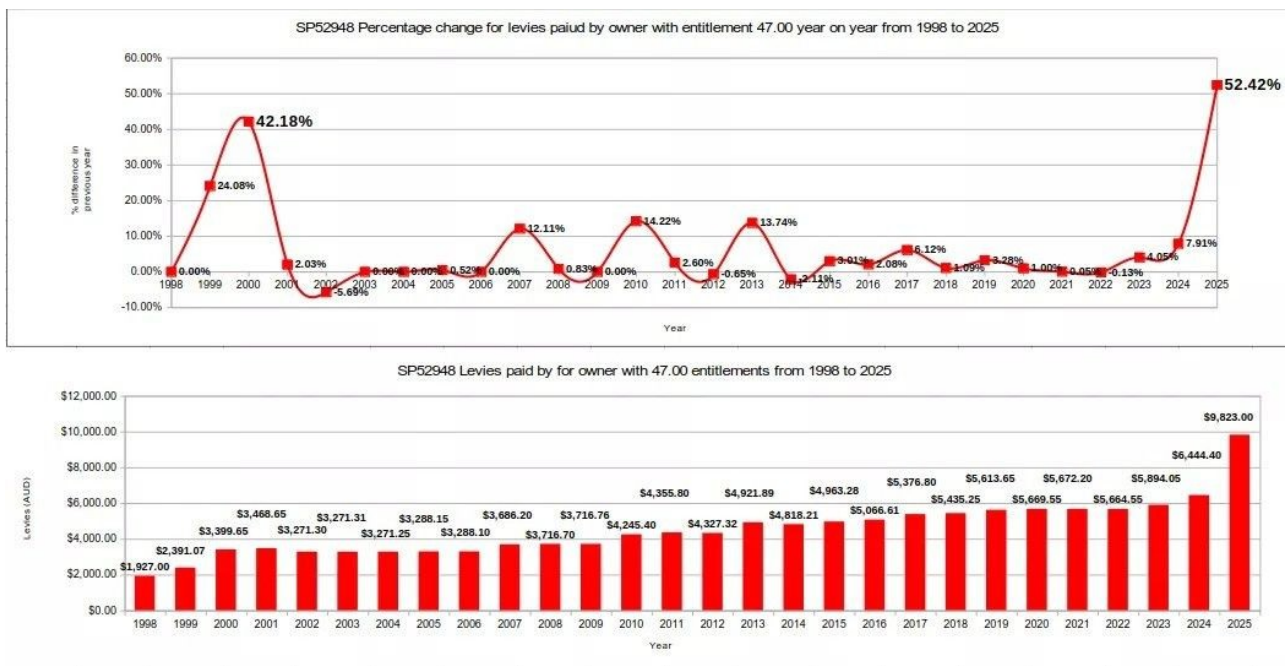
<https://www.nswstratasleuth.info/SP52948-Lot-158-outcome-of-access-to-strata-documents-public-13Feb2024.pdf>

33) Mr. Pogorelsky, whilst unfinancial, allowed irresponsible growth of levies which created huge negative balances in Admin Fund (record deficit was on 31 October 2024 in amount of **-\$325,061.80**), with special emphasis to period when Waratah Strata Management took office on 1 February 2017:

Surplus/Deficit	(279,477.51)
Opening balance	(45,584.29)
Closing balance	-\$325,061.80

From 1 September 2023 (start of FY 2024) until the end of January 2025, balance in Admin Fund stayed significantly negative (deficit) even when new levies were collected on the first of the month in each new financial quarter (1 February, 1 May, 1 August, and 1 November of each year):





So far, Waratah Strata Management and committee members refuse to provide information on how Admin Fund operates when significant deficit is present.

In audited accounts for FY 2024 (ending on 31 August 2024) Economos Auditor stated:

<https://www.nswstratasleuth.info/SP52948-Economos-Audit-report-FY-ending-31Aug2024.pdf>

Strata Plan 52948

Notes to the Financial Statement For the Year Ended 31 August 2024

(e) Deficit for the year

As at year end, the Administrative Fund is in deficit amounting to \$45,584.29.

The 'Act' allows for loans between funds, but not for a period greater than 3 months. Strata Schemes Management Act 2015 - Section 76 Part (2) states that "The Owner's Corporation must, not later than 3 months after the transfer or use, determine by resolution at a general meeting whether the money, or part of the money, should be reimbursed to the fund from which it was transferred or paid."

Section 79 Part (3) requires that "When estimating amounts needed to be credited to the administrative fund or the capital works fund, the Owners Corporation must have before it, and take into account, a statement of the existing financial situation of the strata scheme and an estimate of receipts and payments."

When the budget is being considered by the Owners Corporation at the next Annual General Meeting, the Administrative Fund should be brought back into surplus by increasing the annual budget for the fund in deficit to cover both the anticipated expenditure for the financial year plus the deficit brought forward from the previous year.

33.1) Income & Expenditure statement on 25 October 2024 and 31 October 2024, and current table of Admin Fund balances (as of 14 January 2025):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-25Oct2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Oct2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-14Jan2025.pdf>

Date	Admin Fund Balance	Comment
31/01/2017	\$129,704.57	Change BCS Strata Management to Waratah Strata Management
28/02/2017	\$288,552.51	
30/04/2017	\$135,012.17	End of FY quarter
31/07/2017	\$152,916.30	End of FY quarter
31/10/2017	\$100,815.56	End of FY quarter
31/12/2017	\$182,979.04	
31/01/2018	\$108,936.47	End of FY quarter
30/04/2018	\$123,012.91	End of FY quarter
31/07/2018	\$145,119.88	End of FY quarter
31/10/2018	\$80,599.23	End of FY quarter
31/12/2018	\$158,913.31	
31/01/2019	\$84,559.32	End of FY quarter
30/04/2019	\$99,934.95	End of FY quarter
10/07/2019	\$158,181.40	
31/07/2019	\$148,247.36	End of FY quarter
31/08/2019	\$167,231.72	End of FY 2019
12/09/2019	\$202,523.24	
12/10/2019	-\$80,003.34	
17/10/2019	-\$131,852.25	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2019	\$37,259.31	End of FY quarter
14/12/2019	\$145,404.20	
31/12/2019	\$100,772.58	
25/01/2020	\$87,537.36	
31/01/2020	\$81,654.32	End of FY quarter
17/04/2020	\$94,415.82	
30/04/2020	\$85,707.93	End of FY quarter
30/07/2020	\$96,907.38	
31/07/2020	\$96,907.38	End of FY quarter
05/10/2020	\$150,004.16	
10/10/2020	\$155,409.14	
22/10/2020	\$14,411.82	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2020	\$8,368.92	End of FY quarter
31/12/2020	\$55,699.04	
31/01/2021	-\$18,794.90	End of FY quarter
30/04/2021	-\$25,254.77	End of FY quarter
25/04/2021	-\$24,560.03	
31/07/2021	-\$22,323.34	End of FY quarter
28/10/2021	\$1,019.14	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2021	-\$120,210.65	Three days after Annual General Meeting, End of FY quarter
08/12/2021	\$1,263.46	
31/12/2021	-\$49,429.69	
10/01/2022	-\$53,002.08	
24/01/2022	-\$112,421.07	
30/01/2022	-\$116,068.14	
31/01/2022	-\$123,708.05	End of FY quarter
27/02/2022	\$21,931.68	
11/03/2022	-\$16,236.00	
24/03/2022	-\$28,287.34	
13/04/2022	-\$61,745.99	
30/04/2022	-\$93,147.13	End of FY quarter

31/07/2022	-\$61,290.46	End of FY quarter
07/10/2022	-\$131,239.39	
10/10/2022	-\$167,486.93	
27/10/2022	-\$203,914.85	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2022	-\$203,913.63	End of FY quarter
04/11/2022	-\$22,211.27	Four days after collection of new levies, where there will be no new income until 1 February 2023
16/11/2022	-\$60,224.67	
25/12/2022	-\$130,200.95	
21/01/2023	-\$134,323.44	Monthly payment to Uniqueco Property Services in amount of around \$28,000 and third reimbursement to insurance company in amount of \$4,545.45 were not listed in accounting files by Waratah Strata Management for January 2023
25/01/2023	-\$166,116.59	\$28,311.75 listed as payment to Uniqueco Property Services
31/01/2023	-\$166,111.44	End of FY quarter. Third reimbursement to insurance company in amount of \$4,545.45 was not listed in accounting files by Waratah Strata Management for January 2023
2/02/2023	-\$2,643.41	Two days after collection of new levies
28/02/2023	-\$49,553.62	
31/03/2023	-\$96,937.00	
30/04/2023	-\$173,000.75	End of FY quarter as on 31 May 2023 (on 30 April 2023, Waratah Strata Management reported smaller figure -\$170,670.75)
01/05/2023	\$39,621.36	
09/05/2023	-\$8,086.81	
31/05/2023	-\$18,635.55	
30/06/2023	-\$67,316.73	
31/07/2023	-\$119,468.05	End of FY quarter
31/08/2023	\$6,120.73	End of FY 2023; Four different versions of this figure exist: \$18,759.11 in report on 31 August 2023, \$14,903.11 in report on 6 September 2023, \$10,652.86 in report on 16 September 2023, and audited accounts on 11 December 2023 (46 days after legally due date) was \$6,120.73; number of invoices and work moved into new financial year to give appearance of positive balance
04/10/2023	-\$39,259.22	
11/10/2023	-\$239,193.82	
18/10/2023	-\$272,482.76	October 2023 monthly salary for building manager Uniqueco Property Services still outstanding
25/10/2023	-\$307,580.90	October 2023 monthly salary for building manager Uniqueco Property Services finally reported one day before AGM 2023
26/10/2023	-\$307,580.90	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2023	-\$312,113.03	End of FY quarter
1/11/2023	-\$106,308.01	After collection of new levies
29/11/2023	-\$131,161.52	November 2023 monthly salary for building manager Uniqueco Property Services not reported until late February 2024
13/12/2023	-\$148,352.97	November 2023 monthly salary for building manager Uniqueco Property Services not reported until late February 2024
20/12/2023	-\$182,702.29	November 2023 monthly salary for building manager Uniqueco Property Services not reported until late February 2024
18/01/2024	-\$267,755.06	November 2023 monthly salary for building manager Uniqueco Property Services not reported until late February 2024
31/01/2024	-\$309,762.23	End of FY quarter; November 2023 monthly salary for building manager Uniqueco Property Services not reported until late February 2024
01/02/2024	-\$60,370.94	After collection of new levies; November 2023 monthly salary for building manager Uniqueco Property Services not reported until late February 2024
07/03/2024	-\$187,689.84	
10/04/2024	-\$250,998.12	
30/04/2024	-\$251,697.41	End of FY quarter
01/05/2024	-\$3,632.01	After collection of new levies
16/06/2024	-\$164,511.55	
10/07/2024	-\$211,628.93	
31/07/2024	-\$261,781.53	End of FY quarter
01/08/2024	-\$16,766.81	After collection of new levies
08/08/2024	-\$63,048.35	

31/08/2024	-\$76,650.88	End of FY 2024; Five different versions of this figure exist: - \$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, - \$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024
26/09/2024	-\$124,073.56	Did not include total costs for half-year insurance renewal costs in amount of \$122,690.28 (GST excl)
02/10/2024	-\$124,438.24	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
14/10/2024	-\$147,150.28	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
16/10/2024	-\$194,340.99	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
19/10/2024	-\$168,185.23	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
23/10/2024	-\$294,324.93	
25/10/2024	-\$325,061.80	Highest negative balance for SP52948 ever achieved
31/10/2024	-\$325,061.80	End of FY quarter, allegedly no additional expenses since 25 October 2024, highest negative balance for SP52948 ever achieved, that figure does not include \$122,690.28 insurance premium (GST excl) for the second half of FY 2025.
		Taking that into account, our more realistic negative balance (deficit) in Admin Fund on 31 August 2024 would be \$447,752.08.
01/11/2024	-\$80,061.80	After collection of new levies; that figure does not include \$122,690.28 insurance premium (GST excl) for the second half of FY 2025
20/11/2024	-\$123,897.97	That figure does not include \$122,690.28 insurance premium (GST excl) for the second half of FY 2025
28/11/2024	-\$127,258.94	Day of AGM 2024, Waratah Strata Management did not report it to owners
24/12/2024	-\$196,041.57	
28/01/2025	-\$211,864.18	Did not include pending monthly salary for building manager in amount of around \$38,000.00 (GST excl) and other undisclosed payments. It also does not include pending insurance premium in amount of around \$122,690.28 (GST excl) for the second half of FY 2025 which is due on 21 March 2025

On 17 January 2025, Lot 158 made a prediction about monthly salary again being delayed to avoid showing even higher negative balance for the financial quarter. Building manager is normally paid by around 15th day of the month:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-warning-about-NCAT-2024-00454780-001-17Jan2025.pdf>

Extract from Lot 158 email:

For the records, negative balance (deficit) in Admin Fund today was -\$211,143.81. Information about financials is carefully hidden from owners. That figure does not include monthly salary for building manager Uniqueco Property Services in amount of approximately of \$38,000.00 and other possible outgoings.

We predict that Waratah Strata Management might not pay Uniqueco Property Services for January 2025, or hide such information and other payments until the next collection of levies on 1 February 2025.

33.2) Growth of levies with example for an owner with 47.00 entitlements since the complex was built. They were kept artificially low in many years, against the common sense and proper planning, to hoard proxies and mismanage the complex without any scrutiny:

SP52948 FY between 1 September and 31 August the following year	Difference in Paid Levies to Previous Year	Levies Paid by Owner with Entitlement 47.00
1998	0.00%	\$1,927.00
1999	24.08%	\$2,391.07
2000	42.18%	\$3,399.65
2001	2.03%	\$3,468.65
2002	-5.69%	\$3,271.30
2003	0.00%	\$3,271.31
2004	0.00%	\$3,271.25
2005	0.52%	\$3,288.15
2006	0.00%	\$3,288.10
2007	12.11%	\$3,686.20
2008	0.83%	\$3,716.70
2009	0.00%	\$3,716.76
2010	14.22%	\$4,245.40
2011	2.60%	\$4,355.80
2012	-0.65%	\$4,327.32
2013	13.74%	\$4,921.89
2014	-2.11%	\$4,818.21
2015	3.01%	\$4,963.28
2016	2.08%	\$5,066.61
2017	6.12%	\$5,376.80
2018	1.09%	\$5,435.25
2019	3.28%	\$5,613.65
2020	1.00%	\$5,669.55
2021	0.05%	\$5,672.20
2022	-0.13%	\$5,664.55
2023	4.05%	\$5,894.05
2024	7.91%	\$6,444.40
2025	52.42%	\$9,823.00