

Executive Summary

This is an undeniable record of persistent, deliberate, orchestrated, and carefully-delivered attempts to discredit owner of SP52948 who uncovered massive mismanagement by BCS Strata Management. Extracts from various EC and general meetings are enclosed as proof of bullying of an owner and attempts to discredit him at all cost.

BCS Strata Management silence and refusal to act in accordance with SSMA 1996 and other laws of the land speak for themselves. Attempts to Mediate at Department of Fair Trading were rejected four times, CTTT cases went nowhere due to misleading, misconceived, and deliberately withheld statements by BCS and refusal to provide access to strata documents (in non-compliance with SSMA 1996 S108). During investigation of complex mismanagement, they silently ignored all information about six attacks on my wife and me:

- Anonymous hate email in letterbox. Police Event on 7th of October 2011.
- EC member's attempt to bully my wife in garage in 20th of October 2011.
- Anonymous phone death threat sometime in 2012. I reported it to Minister of NSW Department of Fair Trading in 2013.
- EC member's attempt to bully my wife at petrol station in August 2015.
- EC member's verbal attack and light assault on my wife in October 2015.
- Police Event against EC member and BCS Strata Management in November 2015.

This is how Pica Group (parent company of BCS Strata Management) and BCS Strata Management Managers ignore customer's complaints:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/>

BCS Strata Management continued to hide financial and other strata documents, in spite of SSMA 1996 S108 obligations:

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-18Dec2015.pdf>

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-17Nov2014.pdf>

<http://www.nswstratasleuth.id.au/SP52948-Document-Viewing-SSMA-1996-S108-Peter-Bone-refused-access-to-files-for-CTTT-and-general-meeting-8Nov2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-17Oct2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-Nov2012.pdf>

BCS Strata Management again failed to sign or even comment about Declaration of Conflict of Interest before AGM 2016:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-SP52948-Proxy-form-from-Lot-158-and-summary-of-non-compliance-actions-by-BCS-Strata-Management-on-11Oct2016.html>

More details about lack of quorum for general meetings for 15 years, as orchestrated by Raine and Horne Strata Sydney (BCS Strata Management since 2010) is provided here:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-SP52948-General-Meetings-without-Quorum-for-15-Years.pdf>

<http://www.nswstratasleuth.id.au/BCS/>

And here is an example of how AGM 2016 was conducted by BCS Strata Management:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2016-Motions-by-Lot-158-v11-with-proof-of-what-BCS-deliberately-excluded-on-19Oct2016.pdf>

This is evidence how BCS Strata Management staff and managers deal with customers' complaints and reports of mismanagement:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/>

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Examples-of-Staff-Receiving-Complaints-and-Not-Responding.pdf>

Through co-operation and unreserved support by EC members, BCS Strata Management managed SP52948 for 16 years without tender for strata management contract until October 2016 when they lost the right to manage the complex.

Here is an example of how EC members supported BCS Strata Management This is an extract from EC member's submission to CTTT in 2011, without offering evidence:

<p>The Registrar Consumer, Trader & Tenancy Tribunal GPO Box 4005, Sydney, NSW, 2001</p>	<p>17 FEB 2011 CONSUMER TRADER & TENANCY TRIBUNAL SYDNEY RSU</p>	<p>Mrs Elizabeth L Saulits Unit 10/1-15 Fontenoy Road Macquarie Park NSW 2113</p>
<p>Dear Sir,</p>	<p>File No: _____ Team No: _____ Issue: <u>SUB</u> Hrg Date: <u>VET</u> Location: <u>STRA TA SUBS RACK - SUB CASE 13 11</u></p>	<p>14th February, 2011</p>
<p>Your Reference: File No SCS <u>Application to Tribunal re STRATA PLAN NUMBER 52948, Unit 1-15 Fontenoy Road Macquarie Park 2113.</u></p>		
<p>I totally disagree with the application lodged by _____ Unit Number 158 at the above address and what he states is completely incorrect.</p>		
<p>1. That owners don't attend meetings. This is because the property is so well managed both financially and maintenance, re painting buildings and well kept grounds and still leaves a healthy sinking fund. Also as Australia is a democracy it is a free decision of each owner whether to attend the meetings or not, not a dictatorship Mr _____ was educated under by Marshal Tito of Yugoslavia.</p>		

No average person would be able to sustain such level of attacks and financial losses due to BCS Strata Management and EC members' actions. However, this only made me stronger and more committed to expose BCS Strata Management for who they really are.

1. Agenda for AGM 2010, sent to owners on 11th of September 2010:

I thank the very large number of owners who turned up to vote at the Extraordinary General Meeting. Very many proxies directing the chairman to vote "No" were received prior to the meeting so it was not necessary to have a vote on the night. Owners clearly do not wish to receive any extra income from a telecommunication's antennae. Regrettably a lot of misinformation was circulated about the proposed lease which created unnecessary angst in our community. The committee presented the lease in good faith based on current science but it has been rejected. All our legal costs for this proposal were paid for by the telephone company involved so owners are not out of pocket.

2. Minutes of EC meeting held on 1st of December 2010:

ITEM 9

To consider an application from _____ for the Owners Corporation to attend mediation about the following matters:

“The Optus contract, lift contract, election of the executive committee, decisions of the executive committee, meeting decisions, voting procedure at AGM, behavior of the chairman, and managing agent and conflict of interest.

The members considered the issues and whether mediation would assist in resolving the matters raised by the applicant.

After discussion it was agreed that mediation not be attended.

3. Agenda for AGM 2011, sent to owners on 29th of September 2011:

I thank our outgoing committee volunteers for their positive contributions to managing the affairs of our community over the last year. Too much time and cost was wasted dealing with false allegations of impropriety and the need to respond at the CTTT on two occasions. A consistent long term approach to the delivery of sensible reinvestment, timely maintenance, and detailed caretaking continues to be effected despite these continuous baseless complaints from a single owner who merely damages the reputation of the body corporate and those owners prepared to give time to properly managing our assets. There is no justification for members being subjected to this treatment. The maintenance standard of our assets, stable levies and solid financial position are the true measures by which your representatives should be measured. Recent unit sale prices reflect the generally high regard that is placed on our complex which is often described as "resort quality".

4. **Agenda for AGM 2011, sent to owners on 12th of November 2011:**

Attendance by almost 60 owners in person or by proxy is required at **the AGM on Wednesday 19th October 2011** to avoid an adjournment and second meeting a week later. If you cannot attend the AGM, I will be pleased to accept your proxy and vote as you direct. The current committee does not recommend voting for any of the motions added to the AGM notice at the request of Mr

5. **Secret letter sent to selected owners in the complex, without offering evidence and preventing CTTT in conduct of their duties on 7th of September 2012:**

<http://www.nswstratasleuth.id.au/CTTT-NCAT-Protecting-BCS-Strata-Management-at-All-Costs-in-2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Ran-Timewarped-EC-Meeting-to-Hinder-CTTT-Investigations-19Apr2013.pdf>

Details of real status of secret water and gas reimbursements over 16 years are documented here:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Illegal-and-Inequitable-Gas-and-Water-Reimbursements-for-Townhouses-1997-to-2016.pdf>

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Rebates

In his letter **Mr** asserts that there has been "long term fraud" and that "money has been taken" from our common funds. These assertions relate to claims by **Mr** that certain owners have unlawfully received rebates for gas and water charges.

Many of you would be aware that owners in tower units receive water and gas paid for by the Owners Corporation and the rebate scheme put in place in 1999 simply treats townhouse owners in the same manner. Townhouse owners first have to pay the individual meter bills and are then rebated the consumption amounts only. The timing of payments can vary according to the date the claims for rebates are made. Not all claims are allowable as there is a time limit to ensure the Owners Corporation can budget for these costs properly. Many townhouse owners have received rebates of this nature. All such rebates have been approved by the Owners Corporation. Indeed **Mr** previously made claims that there had been fraudulent rebates paid to certain owners. These claims were not accepted by the Strata Schemes Adjudicator.

Personal Benefits

Mr has asserted that past and present members of the executive committee have "abused their privileges and obtained personal financial benefits". He has also claimed that "even Raine & Horne Epping office claimed a small rebate for a gas expense!" These allegations are false. Neither the executive committee members nor the strata manager of Macquarie Gardens have obtained, by unlawful means, any personal financial benefits.

Conclusion

Many of the assertions contained in **Mr** letter have been previously raised with and dismissed by the Strata Schemes Adjudicator. The allegations which we have addressed in this letter are simply untrue. And some of them are defamatory.

The executive committee will continue to manage the affairs of Macquarie Gardens, in concert with the strata managing agent, in the best interests of the owners as a whole. This will include vigorously defending **Mr** appeal which is currently before the CTTT.

In the event that you want to discuss any of the matters raised by **Mr** or the content of this letter, please do not hesitate to contact your executive committee or strata manager.

6. Threat by Solicitor Mr. Adrian Mueller who tried to protect EC members and BCS Strata Management without counter-evidence on 10th of September 2012:

We are writing to you about defamatory statements made by you in an undated letter which you placed (or caused to be placed) in each letterbox at Macquarie Gardens on about 3 September 2012.

1. Defamation

(a) Defamatory Statements

Your letter contains a number of statements which are defamatory of past and present members of the executive committee of Macquarie Gardens, the strata managing agent of Macquarie Gardens, Raine & Horne Epping, and employees of the strata managing agent.

These statements include the following:

- *The executive committee, along with Raine & Horne Epping is responsible for long term fraud, bullying, denial of facts, and deliberate avoidance to disclose important information.*
- *Money has been "taken" from our common funds, simple as that.*
- *The [rebate] scheme was seemingly introduced and "approved" around 1999 when [redacted] became a member of the executive committee.*
- *Two members of the executive committee (chairperson [redacted] and now deceased Bill Young) abused their privileges and obtained PERSONAL financial benefits.*
- *Even Raine & Horne Epping office claimed a small rebate for a gas expense!*
- *The EC and the managing agent also failed to disclose this vital information to the DFT and CTTT and, in essence, perverted the course of justice so far.*
- *The following staff of Raine & Horne Epping have been involved in this fraudulent rebate scheme, or have full knowledge of this serious financial crime: Paul Banoob (Branch Manager), Gary Webb (previous secretary of the executive committee and the managing*

agent, who just "left" office last month), Simon Wicks (previous managing agent, who was forcefully replaced in late 2011 but still working there), John Fry (previous co-owner of Raine & Horne agency and the previous managing agent).

- *It is the culture of the company and not an accidental mistake.*
- *The fraud becomes even more serious.*

(b) Defamatory Imputations

These statements carry a number of defamatory imputations about members of the executive committee, particularly [redacted], Raine & Horne Epping, and Paul Banoob, Gary Webb, Simon Wicks and John Fry of Raine & Horne Epping ("defamed persons").

These include imputations that the defamed persons:

- have engaged in unlawful activity;
- have committed crimes;
- have committed a fraud;
- have stolen (or aided and abetted the theft of) monies from the owners corporation of Macquarie Gardens;
- have used the monies of the owners corporation for their own personal benefit.

2. Demand

The statements made by you have caused hurt, distress and embarrassment to the defamed persons particularly due to the fact that you have circulated your letter among all residents of Macquarie Gardens.

(a) Court Proceedings

The defamed persons are entitled to commence proceedings against you immediately by way of a statement of claim in the District Court of NSW at Sydney seeking damages from you for defamation. The Court may order up to \$339,000.00 be paid to the defamed persons plus money for aggravated damages and legal costs. It is quite clear that your statements were made with malice in mind justifying an order for aggravated damages.

(b) Apology & Retraction

You should submit to us in writing by no later than midday, 13 September 2012:

(b) Apology & Retraction

You should submit to us in writing by no later than midday, 13 September 2012:

- (i) a clear and unqualified retraction addressed to each of the defamed persons withdrawing the allegations made by you against them and stating that they are untrue;

- (ii) a clear and unqualified apology addressed to each of the defamed persons for making the false allegations against them;
- (iii) authority for the defamed persons to send your letter of retraction and apology to all of the owners and residents of Macquarie Gardens.

(c) Damages

The statements made by you in your letter were published to a number of people with whom the defamed persons have regular contact. For this reason the defamed persons are entitled to damages as well as the retraction and apology referred to. Please let us have, by the time set out above, in addition to your retraction and apology, your proposal as to financial damages payable by you to each of the defamed persons.

(d) No Further Notice

In the absence of a satisfactory reply from you within the time referred to, the defamed persons may commence proceedings against you for defamation forthwith. No further notice will be given to you prior to commencement of those proceedings.

7. Agenda for AGM 2012, sent to owners on 2nd of October 2012:

A portion of the increase in AF levies is as a direct result of the activities of one owner, Mr [redacted] and his repeated claims and appeals at the CTTT.

The Executive Committee ("EC") had planned to keep AF levy increases to a much lower percentage. In the last few days the EC was placed in the invidious situation of having only one insurer prepared to quote on reinsuring our almost \$100m asset due to the pending CTTT action and the allegations of fraud contained therein. This resulted in being forced to accept a cost with a 53% increase without any of the normal alternatives available to us.

While these claims by [redacted] are all untrue and will almost certainly be dismissed, the threat to our community financial wellbeing has been realised with legal, insurance and related costs all rising as a direct result. The EC regret that [redacted] activity has undone years of careful management of our expenses and are at a loss as to how to compel the owner to desist. The OC has sought legal advice and has engaged the services of a specialist NSW strata lawyer to deal with these claims.

The financial damage to our community caused by [redacted] claims against the OC has now been clearly manifested and will affect your levies. The damage to the reputation of volunteer, conscientious committee members is reaching the stage of seeking legal reparation. [redacted] has been warned by a formal legal letter about his defamatory statements, asked to retract them and apologise to those he has defamed. So far he has not complied with the request.

The value of our investment at Macquarie Gardens is also being detrimentally affected by [redacted] claims about the actions of our managing agent ("MA") over a number of past years. The EC believe these claims are equally ill-founded and without basis and the OC is cooperating in the defence of these claims by the MA. As is abundantly clear from both the financial performance measured against budgets, audited accounts, minutes of meetings and the physical state of the complex, all such claims are false and there is and never has been any mismanagement, let alone fraud.

The EC has received formal written confirmation from the MA that no fraud has occurred and that no EC member has any financial interest with or received any benefit from the MA.

If the latest decision of the CTTT, to dismiss [redacted] claims, is not upheld by the reviewing tribunal member at a hearing on 17th October 2012 there may be a need to further increase AF levies to meet additional legal expenses not covered by our legal liability insurance. As the next hearing is on the afternoon of the date of the AGM I expect to be able to report at the AGM in the evening on the outcome of the appeal by [redacted].

At the forthcoming AGM you will be asked to vote for the appropriate people to represent you on the EC next year. [redacted] has nominated himself as a committee member for next year.

The outgoing EC members strongly advise all owners to consider the highly undesirable situation of having [redacted] as a committee member. He has mounted a claim against the OC and therefore to be a member of its governing body would be an irreconcilable conflict of interest that could not in all reasonableness be functional.

Volunteers prepared to stand for election and contribute time and effort into participating in managing our community and setting its future direction, could not be expected to work with [redacted]. He has spread disquiet and created such concern with insurers that they would prefer not to quote. It will be hard enough for a new EC to function with today's cost pressures without having to deal civilly with an individual who has been defamatory about them.

8. Secret proxy paper, given to selective owners before AGM 2012 without disclosure and giving suggestive information how to vote against owner's valid Motions that attempted to introduce proper management of the complex:

*2 This form authorises the proxy to vote on my / our behalf on the following matters only:

For Motions 1, 2, 3, 4 (a), 4 (b), 5, 6, 7, 8, 9, 10, 11, and 12 - Please vote in favour.

For Motion 13 (New entrance path to Lane Cove Rd) - Please vote in favour / against (please circle your choice)

For Motion 14 (Approve budget of \$30,000 for New entrance path to Lane Cove Rd) - Please vote as per motion 13

For Motion 15 (New gatehouse for security staff) - Please vote in favour / against (please circle your choice)

For Motion 16 (Approve budget of \$40,000 for New gatehouse for security staff) - Please vote as per motion 15

For Motions 17, 18 & 19 - Please vote as you see fit

For Motions 20, 21 22, 23, 24, 25, 26, 27, 28 and 29 Please vote against

If Motions 13, 14, 15 or 16 are not marked proxy is to vote in favour.

For any other matters the proxy is to vote as he sees fit.

9. Minutes of EC meeting held on 22nd of February 2012:

ITEM 7:

To consider further correspondence from

The Managing agent is instructed to seek a costs proposal from a strata lawyer to prepare a response to the latest application to CTTT seeking orders relating in the main to matters already dealt with. It was also noted that the committee encourages all owners to write to CTTT making it clear whether or not there is any objection or support. All the costs of this work will be identified separately to ensure all owners appreciate the additional expense being created by this vexatious and libelous correspondence. The committee is satisfied that there is no malfeasance of any kind and that audited accounts and approved minutes provide a correct record of all material issues. The Owners Corporation will seek a costs order against if this is permitted by CTTT.

10. Minutes of EC meeting held on 13th of June 2012:

The committee noted that the recent application for an order by the owner of lot [redacted] to CTTT has been dismissed. The Adjudicator agreed with the submissions made by the Owners corporation that lot [redacted] application was misconceived; that the adjudicator had no power to make a number of orders requested by the owner of lot [redacted] and that the adjudicator had no authority to micro manage the affairs of the scheme and that the other issues raised were dealt with and decided adversely to the owner of lot [redacted] in previous submissions made to CTTT. The committee also made note to date the additional direct costs (mainly legal fees) incurred in dealing with this vexatious correspondence have been approximately \$2,500. Further correspondence from [redacted] was reviewed and determined to not require a reply.

11. BCS Strata Management web site with Community Noticeboard for SP52948, attempting to show Lot owner 158 as lone owner who complains and making him look like “possibly mentally deranged”. Request for access to strata files and complaints with undeniable evidence were never addressed by BCS Strata Management:

Community HUB Community Hub

Your Plan

Your Plan > Plan Documents

Plan Information

Community Noticeboard

Plan Documents

Building Financial formation

Levy Information

Levy Payment

Creditor Invoices

Insurance

Repairs and Maintenance

Online Invoice Approval

Own Another Property?

Update Your Details

Change Your Password

Terms of Use

Plan: NSW 52948 Lot: 158

ItemId	PlanNo	PlanNameAdd	Category	Title	DocDate
6323360	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	corro from unit 158	14/10/2013
5251419	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251421	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251422	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251423	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251424	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251425	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251426	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251427	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013
5251428	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	Community Noticeboard	Corro from unit 158	17/04/2013

12. Minutes of EC meeting held on 28th of March 2013:

MINUTES OF A PAPER EXECUTIVE COMMITTEE MEETING OF STRATA SCHEME NO. 52948 HELD IN THE OFFICES OF RAINE & HORNE STRATA-SYDNEY, LEVEL 2, 51 RAWSON STREET, EPPING HELD ON 28TH MARCH 2013 at 10.00 am.

VOTING PAPERS WERE RECEIVED FROM:

E Saulits

J Ward

S Quick

M Levitt

M McDonald

S Pogorelsky

MOTION 1 That the minutes of the last Committee Meeting be confirmed.

Carried

MOTION 2 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

Defeated

At CTTT, when Solicitor Mr. Adrian Mueller appeared without authorisation, BCS Strata management and EC claimed that "their decision was made in error". CTTT accepted it!? Total cost of Mr. Adrian Mueller's engagements so far (without any disclosure to owners corporation):

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

13. Time-warped EC meeting on 19th of April 2013 (happened one week before its schedule). Provided false Statutory Declaration to CTTT (Strata Manager Mr. Peter Bone), upon advice from Solicitor Mr. Adrian Mueller.

In order to succeed in providing false Statutory Declaration for CTTT, the paper EC meeting, scheduled for 26th of April 2013 was declared complete on 19th of April 2013.

Since the meeting was actually held on 19th of April 2013, it failed to comply with:

- SSMA 1996 Schedule Clause 6 (1) and (3) which requires notice of meeting and DETAILED AGENDA to be sent to owners at least 72 hours before the meeting, and in compliance with the Interpretation Act 1987 Section 76.
- SSMA 1996 Schedule 3 Clause 10 (2) which states:
 - (1) A resolution is taken to have been validly passed even though the meeting at which the motion for the resolution was proposed to be submitted was not held if:
 - (a) notice was given in accordance with clause 6 of the intended meeting, and
 - (b) a copy of the motion for the resolution was served on each member of the executive committee, and
 - (c) the resolution was approved in writing by a majority of members of the executive committee.
 - (2) This clause is subject to clause 11 (2).
- Clause 11 stipulates that decision of an executive committee has no force or effect if, before that decision is made, notice in writing is given to the secretary of the executive committee by one or more owners, the sum of whose unit entitlements exceeds one-third of the aggregate unit entitlement, that the making of the decision is opposed by those owners. By running a meeting on undisclosed date, owners corporation (all 209 owners, apart from nine members of the EC) were denied rights to respond.

In addition, because of missing notice for paper Executive Committee meeting on 19th of April 2013 prevented owners from attending, as address of the meeting was, in practice, not provided.

- Owners did not get copies of Standard Costs Agreement and Standard Costs Disclosure from the Solicitor before the meeting, and BCS Strata Management did not provide any proof to Tribunal that the owners received them.
- Owners did not receive minutes of the Executive Committee meeting held on 9th of July 2012 before the paper meeting on 26th of April 2013, and BCS Strata Management did not provide any proof to Tribunal the owners received them.
- Minutes of the Executive Committee meeting held on 9th of July 2012 were not recorded in the Minutes Book or in any other form available to owners before the paper meeting on 26th of April 2013, and BCS Strata Management did not provide any proof to Tribunal confirm it.
- Agenda for the paper meeting on 26th of April 2013 did not contain any information about Solicitor's expenses reaching \$16,942.52 as early as 6th of March 2013. This was submitted in owner's master document to the Tribunal and the Respondent on 14th of March 2013, in paragraph 3.5.
- Agenda for the paper meeting on 26th of April 2013 did not contain any information that once the legal costs exceeded \$12,500.00, or the reasonable estimate for Solicitor's expenses exceeded, general meeting was required.
- Agenda for the paper meeting on 26th of April 2013 did not contain any information that owner applied for orders to repeal several motions, invalidate resolutions, issue compliance for special by-law 4, and orders in relation to misconduct of strata agency in CTTT file, and BCS Strata Management did not provide any proof to Tribunal that the owners received it.
- Agenda for the paper meeting on 26th of April 2013 did not contain any information that all roles of office bearers – Secretary, Treasurer, and Chairperson, normally held by members of the Executive Committee, were delegated to the Strata Manager since the Annual General Meeting on 17th of October 2012, making the Strata Manager's role an omnipotent one. BCS Strata Management did not provide any proof to the Tribunal that such notice was given to owners before the meeting on 26th of April 2013.

Full details in:

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Ran-Timewarped-EC-Meeting-to-Hinder-CTTT-Investigations-19Apr2013.pdf>

14. False statements and CTTT, which include three failures to provide Tribunal with ANY evidence, in spite of warnings:

- Solicitor Mr. Adrian Mueller, on behalf of the Respondent, filed two request for the owner's case to be summarily dismissed because it was "misconceived" (the word quoted from his submissions):

5th of September 2012

13th of September 2013

In both cases, the CTTT did not approve the summarily dismissal.

- Directions Hearing on 8th of August 2012 in paragraph 4 imposed an obligation on the Respondent to provide the Tribunal and the owner with a copy of all documents on which they intended to rely at the Hearing by 12th of September 2012. Solicitor Mr. Adrian Mueller did not comply with the Tribunal's orders.

1. On 08 August 2012 the hearing was adjourned to a date to be fixed by the Registrar.

2. The applicant shall provide to the respondent and the Tribunal, a copy of all documents on which the applicant intends to rely at the hearing by 15 August 2012.

3. The applicant shall provide to the respondent and the Tribunal, a document no longer than 3 pages in length setting out in succinct and summary terms the reasons for the appeal and the orders sought, by 15 August 2012

4. The respondent shall provide to the applicant and the Tribunal, a copy of all documents on which the respondent intends to rely at the hearing by 12 September 2012.

5. Both parties are to advise each other and the Tribunal of their UNavailable dates for a period of 3 months from 17 September 2012.

A separate written notice of the new hearing date will be sent to you in the near future.


G Meadows
Tribunal Member

- Upon owner's complaint about not receiving documents from the Respondent on 10th of September 2012, the Tribunal issued notice of non-compliance with procedural directions on 17th of September 2012. Solicitor Mr. Adrian Mueller did not comply with the Tribunal's notice.

Correspondence has been received from the Applicant on 10/9/12 concerning the matter and the non-compliance with procedural directions made on 8/8/12. It is in the interest of all parties to comply with procedural directions. A party to proceedings must endeavour to comply with procedural directions despite the non-compliance of the other party.

Failure to comply may result in an adjournment of the matter and/or any submissions received after the compliance date not being admitted into evidence.

The correspondence has been placed on file and a copy sent to all parties. Any outstanding issues should be raised at the next hearing.



E Dziwniel
Team Leader
17/09/12

- On 19th of September 2012 Solicitor Mr. Adrian Mueller submitted a request for extension of time by 2.5 weeks to provide the documents to the Tribunal and the Respondent (to 28th of September 2012).

On 8 August 2012 the Tribunal ordered the respondent to lodge a copy of all documents on which it relies by 12 September 2012. The respondent has not met that deadline and we are writing to ask that it be extended by 2.5 weeks to 28 September 2012.

There are two reasons why we ask for the deadline to be extended.

First, the applicant has submitted a voluminous amount of material on which he intends to rely which comprises over 1,000 pages of documents, some of which are double sided and typed in a small, closely spaced font. It has taken the respondent longer than anticipated to read and comprehend that material due to its sheer size.

Second, on 5 September 2012 the respondent applied to the Tribunal to have the matter relisted to hear an application to summarily dismiss the appeal. The respondent did not receive a response to that request from the Tribunal until 14 September 2012. Up until that time the respondent refrained from preparing its evidence because to do so would have defeated the purpose of its summary dismissal application. Further on 13 September 2012 we wrote to the Deputy Chairperson (Determinations) to press the respondent's claim for a summary dismissal hearing and we are still awaiting a reply.

We do not believe the applicant will be significantly prejudiced if the extension of time is granted. If the matter needs to be relisted to enable us to apply for the extension of time on behalf of the respondent, then we ask that the matter be relisted as soon as possible for that purpose.

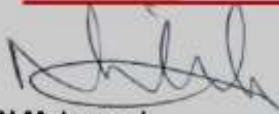
Yours faithfully
J.S. MUELLER & CO

- His request was granted in Tribunal's notice issued on 26th of September 2012. Solicitor Mr. Adrian Mueller did not comply with his own request for extension of time and the Tribunal's notice.

The request by Owners Corporation SP – 52948 to extend time to comply with procedural directions made on 08/08/12 has been considered.

On 24/09/12 the following procedural directions were made:

1. Timetable made by the Tribunal on 08/08/12 is amended.
2. Time for compliance with direction 4 is extended to 28/09/12.



N Mahmoud
for the Registrar
26/09/12

- Upon owner's second complaint about not receiving documents from the Respondent on 29th of September 2012, the Tribunal issued second notice of non-compliance with procedural directions on 9th of October 2012. Solicitor Mr. Adrian Mueller did not comply with the Tribunal's notice.

Correspondence has been received from the Applicant on 2/10/12 concerning the non-compliance with procedural directions. It is in the interest of all parties to comply with procedural directions. A party to proceedings must endeavour to comply with procedural directions despite the non-compliance of the other party.

Failure to comply may result in an adjournment of the matter and/or any submissions received after the compliance date not being admitted into evidence.

The correspondence has been placed on file and a copy sent to all parties. Any outstanding issues as to non-compliance with procedural directions should be raised at the next hearing.

E Dziwniel
Team Leader
09/10/12

- The Respondent, through Solicitor Mr. Adrian Mueller, failed to comply with Tribunal's orders for production of submissions three times before the Hearing on 17th of October 2012.

At the Hearing, the Solicitor brought no evidence and relied on empty talks and even engaged in providing false statements, which, by pure coincidence were proven to CTTT the same evening at the Annual General Meeting in the complex.

Full details at:

<http://www.nswstratasleuth.id.au/CTTT-NCAT-Protecting-BCS-Strata-Management-at-All-Costs-in-2013.pdf>

15. Agenda for AGM 2013, sent to owners on 7th of October 2013:

lodged an appeal against the decision by the CTTT to dismiss his claims lodged in 2012. In addition he lodged a new claim. Despite being warned formally that there was no prospect of his appeal succeeding he proceeded with the appeal. The appeal was dismissed as was his subsequent claim. Due to the voluminous material that he submitted to CTTT and the serious allegations made it was necessary to engage legal assistance to prepare and attend lengthy hearings at CTTT on a number of occasions. This is no different than using a plumber to fix leaks.

The EC has no choice but to defend these false claims on behalf of the OC and all owners should appreciate that the pejorative language constantly used by contributes nothing to any debate. It is hoped that a costs order against him may finally create the realisation that he is but one voice against whom a very large majority have voted. The latest dismissed claims sought to overturn decisions made at the prior AGM. The extent to which alleges "illegal" activity and the use of words like "fraud", "criminal" and "corrupt" in public correspondence makes any discussion more impossible. He has been warned formally of the possibility of action against him for defamation. His actions, wild exaggerated claims of "hundreds of thousands of dollars" of losses and his inability to comprehend simple financial statements and meeting minutes continue to create a climate which detracts from the real picture of financial health. It appears that his intentions are purely vindictive and have no real bearing on managing the OC.

The OC is very clear that claims are not capable of being substantiated as no illegal or even improper activity has occurred. Regrettably appears to have turned his efforts to an email campaign to discredit the activities of the EC, chairman and MA. This campaign includes circulating partial, incomplete and incorrect information replete with misinterpretation of accounts and events that are not borne out by the facts. While the CTTT was considering these various matters the EC and MA have not responded to these fallacious and argumentative letters.

Claims that the OC is in financial difficulty and is mismanaged are not supported by the audited accounts, favourable comparison to budget, lack of special levies, and the very substantial reserve in the sinking fund. In addition to the false nature of claims, the numerous threatening, demanding and often defamatory correspondences, has made it very difficult for the MA and EC to respond in any case as the CTTT cases were outstanding and prevented normal response to alleged complaints.

Claims that the OC is in financial difficulty and is mismanaged are not supported by the audited accounts, favourable comparison to budget, lack of special levies, and the very substantial reserve in the sinking fund. In addition to the false nature of claims, the numerous threatening, demanding and often defamatory correspondences, has made it very difficult for the MA and EC to respond in any case as the CTTT cases were outstanding and prevented normal response to alleged complaints.

The OC has lodged an application for a costs order against in light of his failure to withdraw his appeal which caused very substantial additional insurance claims. The result of that application is not yet known but is expected imminently. The insurance company meeting the OC's costs has done so because the OC is insured against such false claims of fraud. No owner would serve on any committee or in any position of authority without the protection of such insurance and it remains the case that any further claims against the OC, the EC members or MA will be defended utilising the insurance. Naturally this has affected premiums for insurance but the findings in favour of the OC to date has meant that the effect of this has now ameliorated to an excess limit of \$10,000 (i.e. the OC pays the first \$10,000 of any claim).

The EC has again received formal written confirmation from the MA that no fraud has occurred and that no EC member has any financial interest with or received any benefit from the MA and refer owners to the detailed management representation letter provided to the auditor and EC.

THANKS TO COMMITTEE

Thanks are due to the current committee volunteers for their positive contributions to managing the affairs of our community over the last year. Regular sub-committee and informal meetings were required to deal with our affairs and together with site inspections and research time amounted to a significant commitment. Too much time was wasted dealing with the CTTT and the proven false allegations of . His personal behaviour towards EC members has become quite worrisome and is well beyond any norms of cogent debate. Thanks are due to John Ward who assisted with many finance functions (including advice on surplus cash term deposits). A number of our committee experienced illness during the year and we are grateful that they continued to serve even if only by remote email contact. Other committee members have taken responsibility for particular projects and liaison with contractors. The EC noted its appreciation to Betty Saulits who has now officially retired from committee duties after many years on the committee some as Honorary Secretary just prior to the last ECM of this year.

Owners can show their support by re-electing those current committee members who choose to stand again. We also welcome new candidates and are genuine in our desire to see some fresh faces share the decisions beside a group with significant experience.

16. Illegal ratification at rushed Extraordinary General Meeting (EGM) on 4th of December 2013.

Under extreme threat of major legal cases and even criminal prosecution for mismanagement of the large strata scheme SP52948 over 14 years, members of the Executive Committee, with full co-operation of BCS Strata Management, amongst the others, the following Resolutions were made at rushed Extraordinary General Meeting, without any disclosure of documents or details on what the owners corporation was supposed to vote on.

The agenda was sent on 20th of November 2013, and Motions include the following, without any description on what exactly the owners were supposed to vote on:

- | | |
|------|--|
| No.3 | That the Owners Corporation records its current satisfaction with the level of Sinking Fund Reserves and the prudent and cautious application of such funds to large scale maintenance projects. |
| No.4 | That the Owners Corporation records its satisfaction with the current state of repair of, and general and recurring maintenance of all common property. |
| No.5 | That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting. |
| No.6 | That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting. |

Strata Manager, Mr. Peter Bone, with full support of the Executive Committee, illegally prevented an owner from attending the EGM in person because of serious evidence against BCS Strata Management and the EC they intended to present.

The meeting was non-compliant with SSMA 1996, in spite of Strata Manager declaring it to be valid:

QUORUM: A number of Lot owners present at the meeting own, and thus represented, more than one Lot. Owners present represented 18 Lots. Of these 18 Lots, owners representing 8 of these Lots had also submitted Proxies prior to the start of the meeting. Of the 10 owners present and representing themselves, 8 were financial and therefore entitled to vote. Thus the quorum for this meeting comprised: Owners of 8 Lots representing themselves; and Proxies representing 45 Lots; being a total of 53 Lots represented either in person or by proxy. The quorum required was determined as 48 Lots after allowing for those Lots not fully paid. A quorum was therefore formed.

Reasons why it was invalid are:

- 16 owners present in person and 43 via proxy on 4th of December 2013. Of 43 proxies, 41 were given to single EC member, who, along with a selective group of 18 (out of 26) townhouse owners (including two other members of the Executive Committee) received reimbursements for personal water and gas usage without Special Resolution or registered By-Law for 14 years in period before 6th of May 2013 (**Special By-Law 13 was registered on 6th of May 2013, as "approved" at AGM seven months earlier on 22nd of October 2013**), and applied in non-compliance with new Special By-Law since 6th of May 2013.
- Due to non-existent By-Law and Special Resolution, an EC member and number of townhouse owners were UNFINANCIAL to vote at EGM 2013 (and for many years beforehand). Their voting entitlements had to be decreased, but that also required Special Resolution and approved Form 11 by LPI, or through order by CTTT (now NCAT). None of these happened.

These secret and undeclared reimbursements were never provided in accounting books even as late as February 2016.

- Agenda was rushed without full-disclosure (or any) documentation. Massive financial mismanagement, undisclosed private benefits to selective owners (especially EC members), non-compliance with Strata Management Acts and other state and federal laws, and lack of proper complex maintenance, were never mentioned in any files for owners.
- One owner was prevented from attending the meeting without any legal ground.

- BCS Strata Management prevented access to documents as per SSMA 1996 S108 before the AGM:

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-17Oct2013.pdf>

- BCS Strata Management prevented repeated request for access to documents as per SSMA 1996 S108 after the AGM but before EGM, even though the evidence was required for CTTT case as well:

<http://www.nswstratasleuth.id.au/SP52948-Document-Viewing-SSMA-1996-S108-Peter-Bone-refused-access-to-files-for-CTTT-and-general-meeting-8Nov2013.pdf>

Outcome: Meeting was non-compliant with SSMA 1996 Schedule 2 Section 12 2 (a) and (b), SSMA 1996 Schedule 2 Section 10 (8), SSMA 1996 Section 183.

The Motions at EGM on 4th of December 2013, without giving owners any details, approved the following actions of BCS Strata Management for 14 years of mismanagement. The meeting lasted exactly one hour, and in that period, allegedly a discussion was carried about extending the Motions to include significant details, as provided by two members of the Executive Committee. The extended Motions were not put in the original agenda.

**MINUTES OF THE EXTRAORDINARY GENERAL MEETING OF STRATA SCHEME NO. 52948,
1-15 FONTENOY ROAD MACQUARIE PARK, HELD IN MEDINA APARTMENTS, 1-12 BUSACO
ROAD MARSFIELD ON WEDNESDAY 4TH DECEMBER 2013 AT 7.00PM.**

MOTION 3: That the Owners Corporation records its current satisfaction with the level of Sinking Fund Reserves and the prudent and cautious application of such funds to large scale maintenance projects.

Carried. (1 vote NO and 1 abstain)

MOTION 4: That the Owners Corporation records its satisfaction with the current state of repair of, and general and recurring maintenance of all common property.

Carried. (2 abstain)

MOTION 5: That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting.

M Levitt moved that Motion 5 be amended to read:

That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting, and for the avoidance of doubt in particular ratifies any

- a. contracts for caretaking, gardening, security and pool maintenance;
- b. agreements for elevator or other equipment maintenance;
- c. appointments of solicitors to defend claims and appeals to CTTT;
- d. claims on insurances submitted;
- e. supply of goods or services contracts or pricing agreements;
- f. payments made to owners under gas and water rebate schemes;
- g. gifts or donations made to contractors as customary seasonal tips;
- h. agreements or purchases made regardless of the amount being above \$30,000;
- i. permissions granted to lot owners in respect of keeping pets;
- j. permissions granted to carry out minor refurbishment works affecting common property but inside a lot;
- k. permission granted to use common property;
- l. instructions given to on-site caretakers;
- m. legal actions to pursue recovery of costs from lot owners in respect of monies owed to the Owners Corporation; and
- n. minor procedural or strict administrative compliance matter where the Owners Corporation has suffered no financial loss not subsequently recovered;

but not including any omission or failure to act that would have ordinarily been expected to occur in the absence of referring the matter to the Executive Committee or the Owners Corporation for guidance and/or approval.

Resolved that the proposed amendment to Motion 5 be approved.

Resolved that Motion 5, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

MOTION 6: That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting.

S Pogorelsky moved that Motion 6 be amended to read:

That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting, and for the avoidance of doubt in particular ratifies any

- a. appointment of and renewal of appointment for a Strata Managing Agent;
- b. negotiations or tender process regarding such appointment conducted by any member of the committee;
- c. expenditure authorised on additions to or repair or replacement of common property regardless of the total amount being above \$30,000 and regardless of whether multiple quotes were obtained;

- d. amendments to the timing, frequency or scale of repairs, maintenance and replacements of Common Property include in the long term Sinking Fund plan;
- e. submissions made on behalf of the Owners Corporation to the CTTT in respect of defence of claims and appeals
- f. banks chosen to place funds on deposit;
- g. amounts placed on deposit for any term and at any rate of interest;
- h. valuers chosen to provide insurance replacement valuations;
- i. consultant selected to provide advice on any matter;
- j. reliance placed on the audited accounts prepared by the Strata Managing Agent;
- k. any determination of rules regulating use of pool, gym or tennis court; and
- l. any decision reached in Executive Committee Meetings and recorded in minutes.

Resolved that the proposed amendment to Motion 6 be approved.

Resolved that Motion 6, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

The following 13 current and previous EC members voted for these Motions:

**MINUTES OF THE EXTRAORDINARY GENERAL MEETING OF STRATA SCHEME NO. 52948,
1-15 FONTENOY ROAD MACQUARIE PARK, HELD IN MEDINA APARTMENTS, 1-12 BUSACO
ROAD MARSFIELD ON WEDNESDAY 4TH DECEMBER 2013 AT 7.00PM.**

PRESENT: Y Zelunzuk, J Ward, S Quick, G Godbee,
S Luxmoore, M Levitt, M McDonald, S & T Pogorelsky,

PROXIES:

R & N Gonsalves proxy to	Y & L Zelunzuk proxy to
D Murden proxy to the Chairperson	K Klein proxy to
E Saulits proxy to the Chairperson	V Nabb proxy to the Chairperson
T Karolewski proxy to S Pogorelsky	J & Q Wang proxy to the Chairperson
P Ng proxy to the Chairperson	J Ward proxy to
A Green proxy to J Ward	U & M Aranwela proxy to the Chairperson
S & S Blechman proxy to	G & N Cohen proxy to
L Cheng proxy to the Chairperson	M Houshmandi proxy to the Chairperson
P Gibbons proxy to the Chairperson	J Cohen proxy to the Chairperson
M & M Brincat-Lisano proxy to the Chairperson	
A Shahabi-Sirjani proxy to the Chairperson	S Quick proxy to
T & S Kemsley proxy to the Chairperson	T Kemsley proxy to the Chairperson
M & S Levitt proxy to	D Niar proxy to the Chairperson
M McDonald proxy to the Chairperson	B Slon proxy to
R & K Desai proxy to the Chairperson	H Poulos proxy to the Chairperson
P Keating & K Narayan proxy to	P & M Friede proxy to
R & S Hamilton proxy to	S & T Pogorelsky proxy to
S Au & J Lee proxy to the Chairperson	M Diacono proxy to the Chairperson
J & E Gore proxy to the Chairperson	S Hwang proxy to the Chairperson
A Lee proxy to the Chairperson	R Brown proxy to the Chairperson
J Lee & H Rong proxy to the Chairperson	C Perera proxy to
W & Q Wang proxy to the Chairperson	J Young proxy to the Chairperson

17. Minutes of EC meeting held on 14th of February 2014:

MOTION 10: To consider the status of the NCAT (formerly CTTT) appeal lodged by

The EC were advised that a submission objecting to the appeal has been prepared and lodged by solicitors for the OC. Further detailed discussion on this matter was rolled into motion 11.

MOTION 11: To consider the status of the District Court appeal lodged by

The EC noted that the District Court Appeal had commenced and solicitor Adrian Mueller had appeared for the OC. EC member had observed the proceedings and noted that the judge had cancelled the stay of the orders of CTTT requiring payment by to the OC.

The EC considered correspondence from its solicitor regarding an approach from solicitor to settle the legal matters out of court. The principal terms of the offer from are to dismiss the proceedings in the District Court and terminate the CTTT case referred to above by him paying a sum of money to the OC. The EC were informed that there were essentially two offers. One offer made is to pay \$20,000 and provide a letter retracting and possibly apologising for his unjustified allegations aimed at past and present EC members and managing agents, containing words like, "fraud", "criminal", "theft", "illegal" etc. Alternatively an offer of a payment of \$26,500 was made but without issuing the letter.

The EC noted that part of that offer was the \$8,800 which had already been ordered to pay by CTTT. The EC considered advice from its' solicitors that the District Court would probably award costs to the OC on a "taxed" basis which would result in the OC still being out of pocket even although the appeal by DB would be dismissed. Avoiding further additional legal costs that could not be recovered was therefore an important consideration. In addition the EC considered that the latest CTTT appeal would also probably be dismissed but a further award of costs on a full indemnity basis was Uncertain. The EC considered in detail an amended draft of the key clauses of the Deed of Release to be provided by as follows:

unconditionally and irrevocably releases and discharges the Owners Corporation from and in respect of all claims, demands, suits, causes of action, liabilities, damages, debts, costs, expenses, verdicts and judgments whatsoever whether at law, in equity or under any statute ("Claims"), that he had, that he now has or, but for this Deed, that he may at any time hereafter have against the Owners Corporation arising out of or in connection with all of the issues raised by , and all of the claims made by , in the First Adjudication Application, the First CTTT Appeal, the Second Adjudication Application, the Second CTTT Appeal, the District Court Appeal, the Interim Order Application, the Third Adjudication Application and the Third CTTT Appeal ("Management Disputes Litigation").

DB unconditionally and irrevocably covenants not to sue the Owners Corporation for or in respect of, or in relation to anything arising out of or in connection with, any of the issues raised by , or any of the claims made by , in the Management Disputes Litigation.

has asked for a release by the OC, basically being an agreement not to sue him or pursue any claims against him which are not to do with new matters or the recoveries of levies. The EC agreed that it had no intention of pursuing any claims against and noted that all expenses were as a result of defending claims by him. However in the interests of bring these long running, time wasting issues to an end and immediate recovery of legal costs the EC agreed to provide a limited release to as follows:

Subject to clause 9 of this deed, the OC unconditionally and irrevocably releases and discharges from and in respect of all Claims that it had, that it now has or, but for this Deed, that it may at any time hereafter have against arising out of or in connection with all of the issues raised by , and all of the claims made by , in the Management Disputes Litigation.

Subject to clause 9 of this deed, the OC unconditionally and irrevocably covenants not to sue for or in respect of, or in relation to anything arising out of or in connection with, any of the issues raised by , or any of the claims made by , in the Management Disputes Litigation.

The EC determined that it was more important to recover the maximum amount of money from than pursue any personal satisfaction in the form of a letter retracting the allegations. The EC is satisfied that owners are comfortable that there is no basis in any case for any of these claims. The EC authorised the Secretary and Chairman to immediately execute the Deed of Release under seal in exchange for a payment by of \$26,500 in total.

Our solicitors advised that had changed his mind about the terms of the offer already in the course of the day of the ECM and that failure to settle by 9.45 am on the following day would result in further costs and inconvenience to EC volunteers required to attend Court. The EC authorised the Chairman to settle both the District Court Appeal and the CTTT Appeal on the terms of the Deed of Release as executed, but also authorised any minor amendments required if these would result in settlement on Thursday morning.

Based on legal costs to date the EC believe that the payment of an additional \$17,700 by on top of the \$8,800 previously ordered by CTTT will result in none of the funds authorised to defend these appeals at the EGMs in December and January being required. Payment in two parts by was agreed as acceptable provided \$10,000 was paid immediately.

The EC are hopeful that this will be the end of this issue.

[Note for owners information only – the Deed of Release with some further amendments was exchanged and part payment received from the following day and all appeals dismissed by consent. Under the terms of the settlement at the request of the Deed cannot be circulated to all owners but is available for inspection in the records of the OC. No changes to the forms of release approved in detail at the ECM above were made.]

I sent corrections of the EC meeting that was never addressed or replied to:

Subject: SUMMARY INCORRECT MINUTES EC MEETING 25Feb2014 and AFFIDAVIT FOR DISTRICT COURT in Feb2014

From: SP52948

Date: 15/11/14 17:51

To: Russell Young (BCS Strata Management)

Incorrect Minutes of EC Meeting

I waited for nine months to see corrections of the minutes of the paper EC meeting held on 25 February 2014. That never happened.

Because there was no variation of the Deed of the Release between the Owners Corporation and me (Section 18), the terms and conditions, and information provided to the District Court are deemed public.

Explanation

On 29 July 2014 I sent you my Affidavit, asking it be given to owners in the complex (along with what the Solicitor Mr. Adrian Mueller sent on behalf of owners corporation). You, as Strata Manager, Treasurer, and Secretary refused to do it, and only committed to providing it to owners who pay for the document (as per SSMA 1996 Section 108).

I do not think owners should pay for it at all. It is a rip off and unnecessary. It is actually helping the Strata Manager and the EC members deter owners from getting access to documents and also making more money for the Strata Agency.

Due to its size, I cannot provide the full document with Annexures (the file is above 40 MB in size). Nevertheless, the full-sized original should be somewhere in strata files.

The owners who have at least secondary-level education will be able to see how well I prepared the Affidavit (and for each claim, I had indisputable evidence, that nobody challenged with counter-evidence anyway).

Real Reasons for District Court Case Dismissal

Owners should know that my case was dismissed on technicality: I did not provide written transcript of the CTTT sessions, in spite of having CTTT-certified audio recordings of the Hearings (which in any normal court are acceptable as valid evidence)!

Nevertheless, those audio recordings will stand the test of time.

I repeat again, not a single claim of mine was proven incorrect or wrong. I was simply denied justice on Judge's discretion to not accept audio recording at CTTT which was provided by sworn court service!

Judge Presiding Case and History of Wrong Decisions

This judge is famous for some other decisions, like this one:

<http://www.smh.com.au/entertainment/music/flo-rida-wins-appeal-over-fat-as-butter-festival-noshow-20130820-2s8mw.html>

Rap superstar Flo Rida avoided paying nearly \$400,000 in damages to the organisers of a Newcastle music festival he failed to attend.

A judge upheld his claim that Facebook was not an appropriate way to issue a summons for someone to appear in court.

The 32-year-old singer, whose real name is Tramar Dillard, disappointed 11,000 fans at the 2011 Fat As Butter festival when he told organisers minutes after he was due to go on that he would not be performing.

"Flo Rida has slept in and will not be able to make the concert," organisers told the waiting crowd.

The organisers, Mothership Music, sued Dillard and his management, VIP Entertainment and Concepts, in the NSW District Court for breach of contract and damages.

They were unable to serve the chart-topping rapper with a summons to appear in court and other vital court documents. Judge Judith Gibson then ordered that they could be served via email and a posting on his Facebook wall.

This order was made, in part, on the basis that Dillard was reportedly in NSW at the time and therefore under the District Court's jurisdiction.

When Dillard again failed to appear in court, Judge Gibson ordered the rapper to pay Mothership music \$380,000 in damages for lost revenue and reputation, plus at least \$20,000 in legal costs.

Dillard then challenged the decision in the NSW Court of Appeal. The three-judge panel upheld the appeal, finding that Facebook and email were not appropriate means of serving an international rapper with a summons to appear in court.

Correction of EC Meeting Minutes

The EC and the Strata Manager are requested to correct Minutes of the EC meeting dated 25 February 2014 and publish this document for all owners.

In next email, I will send the document that owners paid close to \$25,000 to Solicitor Mr. Adrian Mueller to see the quality of information and evidence that he (did not) provide.

18. Agenda for AGM 2014, sent to owners on 24th of September 2014:

The legal costs relating to defending claims by one owner, , against the OC were largely recovered by a Supreme Court order from the owner, following a Deed of Settlement earlier this year. However, over the last three years the OC has incurred costs that were not recovered from this owner and been obliged to spend valuable management time dealing with multiple repetitive and unproven claims, further appeals against the dismissal of the owner's claims and orders to the owner to pay costs to the OC. Since the settlement the owner has already required reminding by our solicitor, in writing, of the terms of settlement which preclude any further action by the owner on the matters that formed part of any claims.

19. Minutes of EC meeting on 4th of March 2015:

2. **CORRESPONDENCE FROM**

Motion

2.1 To note that correspondence continues to be received from [redacted], The Strata Managing Agent does not respond, noting that the matters appear to be similar to those previously raised and for which relief from responding was previously granted in General Meeting, and/or have otherwise been dealt with in the Deed of Release from Supreme Court proceedings, or at the 2014 AGM.

The voluminous correspondence from [redacted] is considered to fall within the terms of Deed of Release and is also covered by the AGM motion that it need only be responded to in certain limited circumstances. The EC do not wish to expend Owners funds in detailed consideration or responding or having the managing agent do so. The nature of the correspondence appears to be a continuing attack on the activities of the managing agent and EC. These repetitious false allegations do nothing to contribute to the ongoing management of the Owners Corporation and the managing agent was instructed to continue to follow the directive of the AGM.

20. Agenda for alleged EC meeting on 11th of April 2016:

Since 2009 we have been plagued by a single lot owner's constant complaints, tribunal hearings, appeals and court cases. No single fault has been found against the OC in any of these cases. These complaints escalated into wild allegations of fraud, theft, conflicts of interest and various other alleged illegalities and derogatory statements. Last year I had enough of the constant drivel that this lot owner was distributing, clearly designed to cause me damage, and took action in the NSW District Court against him for defamation. As soon as the Court Orders resulting from that process are available I will provide them to lot owners in Macquarie Gardens so that they too can now see that degree of falsehood he has peddled.

It is unfortunate that the OC (as a body corporate) is prevented from taking similar action and that the legal cost of such actions is so high for other individual EC members, as I am reasonably confident that they too would succeed in obtaining a judgement against him. It is surprising considering the complaints by this particular owner about the alleged "terrible state of financial affairs, dreadful appearance and poor maintenance" of the complex, that he has not sold his apartment and departed the complex which almost every other lot owner is pleased with.

The meeting was non-compliant with SSMA 1996 and organised in illegal manner. COO of BCS Strata Management and staff at BCS Strata Management were questioned about it but reply was never received:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-Illegal-EC-meeting-on-20Apr2016-and-UPDATED-SUBMISSION-SP52948-Motions-for-AGM-or-EGM-2016-14May2016.html>

Subject: UPDATED SUBMISSION SP52948 Motions for AGM or EGM 2016 - 14May2016

From: SP52948 owner

Date: 14/05/16 21:26

To: Gary Mills

CC: Mike.Smythe@bcssm.com.au, Greg Freeman <Greg.Freeman@picaust.com.au>

Version 9 of the Motions is submitted herewith for next general meeting. It includes updates about two non-compliant EC meeting with SSMA 1996 in March and April 2016.

BCS Strata Management and Pica Group failed to refute any of my claims and submitted evidence as publicly announced worldwide by Managing Director and CEO Mr. Greg Nash on 9 December 2015.

In the meantime, it is my duty to notify you that BCS Strata Management is directly responsible for taking instructions of EC Chairperson in non-compliance with strata and other laws and regulations on many occasions (some enclosed herewith). That includes publishing defamatory statements about me (as late as 20 April 2016), without providing fair grounds for a response to all parties, or any evidence.

On 08/05/16 10:18, SP52948 owner wrote:

Hi,

There was allegedly an EC meeting that I did not receive any notice of, dated 20 April 2016. You are requested to provide proof that owners, including me, was sent an email and/or letter, and / or published on notice board, with notice of meeting at least 72 hours before the meeting:

STRATA SCHEMES MANAGEMENT ACT 1996 - SCHEDULE 3, Part 2 Section 6

To preserve privacy and fairness of the legal process, including Police Investigations, I deliberately did not want to notify owners in last several months but now it seems BCS and EC did the opposite.

Here are Motions for next general meeting.

On 03/05/16 22:35, SP52948 owner wrote:

Hi,

Some updates, including the evidence that caretaker's contract renewal as "approved" at EC meeting on 21 March 2016 is illegal.

The caretaker's contract expires on 7 December 2016. There is an attempt to renew their contract without tender or any review nine months before its expiration (refer to Motion 14.2 in minutes of EC meeting held on 21 March 2016, attended by only EC Chairperson and BCS Strata Manager alone).

Caretaker's Contract Paragraph 13.2 states that the increase can only be based on CPI published in June 2016, so "decision" in March 2016 is three months ahead of time and without any tender.

ABS statistics shows that CPI for March 2016 is only 1.3%. Also, I announced that additional tenders for Caretaker's and Strata Management contracts will be submitted by me in due time.

In addition, per Strata Management's contract, Clause 5.3, three month advance notice must be given once the minimum contract expires on 1 December 2016. It means that Extraordinary General Meeting will have to be organised before September 2016, where all my Motions and major contract renewals need to be voted on.

Through this email I officially submit request to be sent to EC members about the Extraordinary General Meeting.

21. COO of NSW Strata Management NSW labelling owner “serial offender” when Police Report was created against BCS Strata Management and EC member in November 2015:

From: Greg Freeman
Sent: Wednesday, 25 November 2015 6:51 PM
To: Peter
Subject: CONFIDENTIAL - DEFAMATION OF BCS PERSONNEL of SP 52948
Attachments: img-Y07150230-0001.pdf
Importance: High

Hi Peter

If you have 5 minutes , could we have a chat about this serial litigant who is running an anti BCS / executive committee / blog / website . On one occasion he had an NCAT cost order of \$8,800 against him (attached).

Regards

Greg Freeman
GM Strata Excellence and Regulatory

bcs

Body Corporate Services

Level 27, 66-68 Goulburn St, Sydney, NSW, 2000

Locked Bag 22, Haymarket NSW 1238

T: (02) 8216 0425

22. Latest efforts to engage BCS Strata Management and Pica Group in 2016

For more than two years even public complaint at ProductReview website has been ignored by BCS Strata Management and their parent company Pica Group. Latest requests in May, November and December 1016 were ignored by BCS Strata Management staff:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-no-responses-to-complaints-SP52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-Illegal-EC-meeting-on-20Apr2016-and-UPDATED-SUBMISSION-SP52948-Motions-for-AGM-or-EGM-2016-14May2016.html>

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-no-responses-to-complaints-SP52948/REQUEST-from-SP52948-Owner-Forward-Document-to-Pica-Group-Managing-Director-Mr-Greg-Nash-on-12Nov2016.html>

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-no-responses-to-complaints-SP52948/UPDATED-REQUEST-Forward-documents-to-Pica-Group-Managing-Director-Mr-Greg-Nash-and-process-Motions-for-AGM-or-EGM-2017-on-21Dec2016.html>

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/A-HIGH-PRIORITY-COMPLAINT-Business-conduct-of-BCS-Strata-Management-and-broken-promise-on-behalf-of-Mr-Greg-Nash-24Dec2016.html>

23. Conduct of AGMs. An example for 2016:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2016-Motions-by-Lot-158-v11-with-proof-of-what-BCS-deliberately-excluded-on-19Oct2016.pdf>

24. Owners Motions for AGM 2017

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158-v4.pdf>