

J.S. MUELLER & CO.

SOLICITORS & ATTORNEYS

ESTABLISHED 1979

JEFFREY STEVEN MUELLER, B.Com., LL.B.
BRUCE WILLIAM BENTLEY, B.A., LL.B., LL.M.

1st Floor
240 Princes Highway
Arncliffe NSW 2205
Australia
DX 25315 Rockdale
Tel: 02 9562 1266
Fax: 02 9567 8551

Our Ref: AM:DR:22012

Your Ref: Peter Bone

6 May 2013

The Secretary
The Owners - Strata Plan No. 52948
C/- Raine & Horne Strata Sydney
Level 2, 51 Rawson Street
EPPING NSW 2121

Also by email: [Peter Bone and Paul Banoob at BCS Strata Management](#)

Dear Secretary

RE: APPLICATION TO STRATA SCHEMES ADJUDICATOR BY LOT 158
CONSUMER, TRADER AND TENANCY TRIBUNAL FILE NO. SCS 12/50460

I have been advised by the Tribunal that Lot 158 has lodged a further application against the owners corporation seeking a variety of orders from a strata schemes adjudicator.

It appears that Lot 158 lodged the further application on 5 October 2012 but the Tribunal did not provide me with a copy of the application until I received last week the Tribunal's letter dated 24 April 2013.

I understands the delay is attributable to Lot 158 delay in providing the Tribunal with evidence that mediation of the dispute which is the subject of the further application was attempted.

I enclose:

- Letter from Tribunal to owners corporation dated 24 April 2013.
- Application for an order by an adjudicator including two separate annexures to the application, one being a letter from Lot 158 dated 25 February 2013, the other being a list of the orders Lot 158 seeks in the adjudication.

I also received from the Tribunal two lever arch folders of documents submitted by Lot 158 in support of his application. I would estimate that these folders contain about 1,000 pages of material.

In the adjudication it appears that Lot 158 applies for orders to, essentially, invalidate a number of resolutions and at least two by-laws passed by the owners corporation at previous meetings and to require the owners of lot 3 to comply with certain obligations that arise under Special By Law 4. Lot 158 also applies to have his application referred by the adjudicator to the Tribunal on the basis that it is a complex case.

I **enclose** my firm's costs agreement and cost disclosure. These documents contain the terms of my firm's retainer to act for the owners corporation in relation to Lot 158 further application to the adjudicator and information about my fees and charges (among other information).

If the owners corporation is prepared to appoint my firm to act for it in relation to Lot 158 further application to the adjudicator, a motion to the following effect should be passed:

That the owners corporation resolves pursuant to section 80D of the Strata Schemes Management Act 1996 to defend the application made by Lot 158 to the strata schemes adjudicator for orders against the owners corporation (CTTT File No. SCS 12/50460) and to engage JS Mueller & Co Solicitors for that purpose on the terms of that firm's costs agreement and costs disclosure dated 6 May 2013, a copy of which is attached to the notice of this meeting.

You should circulate a copy of my costs agreement and costs disclosure to each owner and executive committee member within seven days.

Yours faithfully



J.S. MUELLER & CO

Encls.

Per: Adrian Mueller