

## Executive Summary

This is a document showing how BCS Strata Management, with full support from EC members, deliberately ignored Strata Schemes Management Act (SSMA) 1996 and continued to mismanage common funds on many occasions.

For 16 years, BCS Strata Management refused to provide full financial statements for owners at general meetings, or at any other time.

Examples of hiding evidence are here:

<http://www.nswstratasleuth.id.au/Raine-and-Horne-Strata-Sydney-BCS-How-To-Engage-Accounting-Auditors-Bamfield-Hayes-Knight-and-Avoid-Scrutiny.pdf>

Late payments, reimbursements for illegal invoices, hidden payments, owners prevented from access to full financial documents, fraudulent accounting practices – BCS Strata Management has it all.

Minutes of EC meeting held on 4<sup>th</sup> of March 2015 confirm some problems, albeit only because Caretaker complained officially:

### **6. APPROVAL OF CARETAKERS INVOICES FOR CONSUMABLES:**

#### Motion

6.1 To consider the approval process for Caretaker's invoices for consumables and reimbursements.


The managing agent was asked to adhere to the terms of the Caretaking contract and pay invoices promptly where supported by receipts etc. If any doubt exists as to reasonableness the matter can be referred to [redacted] and or Mo Levitt (or any other designated EC member from time to time) who are familiar with the details of the caretaking agreement.

## Undisclosed Cash Advance

In August 2014, owners corporation took a cash advance from PICA (parent company of BCS Strata Management).

STRATA PLAN 52948 – Macquarie Gardens		Invoice No: 948	
		Date: 22/09/2014	
		Debtor id: SP52948	
		Page 1 of 1	
<b>Description</b>	<b>Exclusive GST</b>	<b>GST</b>	<b>Amount</b>
<u>REPAYMENT FOR CASH ADVANCE TO PICA FOR SP52948 – 21/08/14</u>	<u>\$18,859.55</u>	\$1,885.95	\$20,745.50
<b>Total Amount Due:</b>	\$18,859.55	\$1,885.95	<u>\$20,745.50</u>

**This invoice was paid with SIX MONTH DELAY, and undisclosed to owners corporation at AGM 2014 on 26<sup>th</sup> of November 2014 or at any time since then:**

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
90906	PRUDENTIAL INVESTMENT CO AUST	948	16/03/2015	20745.50	25/03/2015	Bank Direct Debit	N	25/03/2015	

The EC and Strata Manager are silent about this borrowing.

Was there any interest paid on it? If so, who approved it and how much?

**Was the money taken out of Sinking Fund because the Admin Fund was completely exhausted due to many-years of neglected planning? If so, SSMA 1996 Section 71 must apply:**

### **71 What money can be paid out of the sinking fund?**

**(1) An owners corporation must not pay any money from its sinking fund except for the purpose of:**

**(a) payments of the kind for which estimates have been made under section 75 (2), or**

**(b) payments made in accordance with this Division on a distribution of a surplus in the fund.**

**(2) However, an owners corporation may disburse money by transfer from its sinking fund to its administrative fund or by meeting from its sinking fund expenditure that should have been met from its administrative fund if the owners corporation complies with subsection (3).**

**(3) The owners corporation must, not later than 3 months after the disbursement, make a determination under section 76 (1) of an amount sufficient to recoup the amount of the disbursement.**

The financial mismanagement is also shown in two examples from other strata complexes in NSW.

- Large strata complex in Pitt Street Sydney, which terminated contract with BCS in 2012, with the following notes in the minutes of the AGM:

**THE MINUTES OF THE ANNUAL GENERAL MEETING  
STRATA PLAN**

**PITT STREET SYDNEY NSW 2000**

**DATE, PLACE & TIME OF MEETING:** The Annual General Meeting of The Owners - Strata Plan No. \_\_\_\_\_ was held on **Wednesday, 26 September 2012** at the MASONIC CENTRE, 66 GOULBURN STREET, SYDNEY. The meeting commenced at **6:00 P.M.**

**4. APPOINTMENT OF MANAGING AGENT:**

Motions

4.1 That notice be given to BCS pursuant to Clause 5.1 of their agreement with the Owners Corporation dated 14 October 2009 terminating the agreement within 3 months of the expiry date of the agreement being 13 October 2012.

**AMENDED AND CARRIED**

4.2 That the Owners Corporation authorise the Executive Committee to enter into a Strata Management Agreement on behalf of the Owners Corporation with an appropriately qualified Strata manager who has, in the opinion of the Executive Committee, submitted the most suitable tender, for a period of one year, with two consecutive options of one year each, commencing on 14 January 2013 as soon thereafter as practicable.

**CARRIED**

4.3 That any tender submitted by BCS for the Strata Management Agreement set out in motion 4.2 be considered by the Executive Committee on its merit, on the same basis as all other tenders submitted.

**AMENDED AND CARRIED**

The Chairman ruled motions 13.5 thru 13.11 Out of Order noting that the matters contained therein are currently subject to an Independent Forensic Audit, and that these matters shall be referred to the new Executive Committee for review in consultation with that Forensic Audit.

- 13.5 That determination be made to subcommittee to chase up the "rental arrears" for more than \$16,000.00 plus GST and interest within 3 months.
- 13.6 That determination be made to subcommittee to investigate \$600,000.00 painting expenses in 2008 within 3 months.
- 13.7 That determination be made to subcommittee to investigate more than 3 million dollars plumbing and other expenses from 2007-2010 within 4 months.
- 13.8 That determination be made to subcommittee can fully and free access all the records as request.
- 13.9 That determination be made to subcommittee investigation will be without any monetary rewards.
- 13.10 That determination be made to subcommittee is able to report investigations to police service and Fair Trading once the subcommittee has found the funds have been misappropriated or misused.
- 13.11 That determination be made to elect subcommittee at the general meeting.

- **Strata Complex in Casuarina:**

[http://www.cottonbeachowners.com.au/uploads/1/3/6/7/13675729/140823\\_ecm\\_minutes\\_-\\_ecv.pdf](http://www.cottonbeachowners.com.au/uploads/1/3/6/7/13675729/140823_ecm_minutes_-_ecv.pdf)

<http://www.cottonbeachowners.com/assets/140702-ncat---application-for-an-order.pdf>

- BCS accounting methods – organise a forensic accountant or thorough investigation (use a Forensic Accountant) of the accounting on Kleenheat and all bills. Also on BCS's use of a combination of cash and accrual accounting that has caused issues.
- Initial updated budget be prepared within 6 weeks
- Prepare a budget to show the real shortage – including the approximately \$50,000 for Gas billing


## Examples of Delayed Payments by BCS Strata Management

Even without access to full financial statements, it is very clear how the accounting operates for SP52948:

- Payment of \$550.00 delayed for six months in 2011:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented
89162	K E BROWN MANUFACTURING P/L	00009029	23/02/2011	550.00	18/08/2011	EFT	N	18/08/2011





- Payment in amount of more than \$15,375.20 delayed for three months and undisclosed in financial year ending on 31<sup>st</sup> of August 2011:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
62708	ROBERTSON'S PAINTING & DECOR	41897	10/08/2011	15372.50	10/11/2011	Bank Direct Debit	N	10/11/2011	

- Payment in amount of \$198.00 delayed for two and a half months and undisclosed in financial year ending on 31<sup>st</sup> of August 2011:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
69870	IAC ROBERTSON & CO	52948711	30/07/2011	198.00	14/10/2011	Bank Direct Debit	N	14/10/2011	


**The fact that three other invoices were paid promptly show the determination of BCS Strata Management to present false balance sheet in that financial year and deceiving owners corporation about real status of accounting:**

62708	ROBERTSON'S PAINTING & DECOR	41897	10/08/2011	15372.50	10/11/2011	Bank Direct Debit	N	10/11/2011	
62708	ROBERTSON'S PAINTING & DECOR	41840	03/08/2011	15372.50	04/08/2011	Bank Direct Debit	N	04/08/2011	
62708	ROBERTSON'S PAINTING & DECOR	41813	01/08/2011	15372.50	04/08/2011	Bank Direct Debit	N	04/08/2011	
62708	ROBERTSON'S PAINTING & DECOR	41812	01/08/2011	15372.50	04/08/2011	Bank Direct Debit	N	04/08/2011	

- Payment in amount of \$4,290.00 delayed for one and a half month in 2011:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented
12598	BLUE FLAME	7834	09/09/2011	4290.00	31/10/2011	EFT	N	31/10/2011

- **Payment in amount of \$12,144.00 delayed for one and a half months and undisclosed to owners in financial year ending on 31<sup>st</sup> of August 2012.** The building report was hidden from CTTT which was investigating poor maintenance in the complex. Delay of the payment was blamed on alleged vendor's non-delivery of services. Upon private checks with the vendor, it was proven that Raine & Horne Strata Sydney BCS and EC members deceived the owners corporation:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
60884	NAPIER & BLAKELEY PTY LTD	00023162	30/07/2012	12144.00	12/09/2012	Bank Direct Debit	N	12/09/2012	


- **Payment in amount of \$102.00 delayed for more than four months in 2012:**

69605	ESSENTIAL SERVICES MANAGEMENT	00000640	10/11/2011	102.00	26/03/2012	EFT	N	26/03/2012
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- **Payment in amount of \$165.00 delayed for four months and undisclosed to owners in financial year ending on 31<sup>st</sup> of August 2012:**

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
54937	COMPLETE WINDOW SERVICES	00003207	26/07/2012	165.00	21/11/2012	Bank Direct Debit	N	21/11/2012	

- **Payment in amount of \$160.00 delayed for two and a half months and undisclosed to owners in financial year ending on 31<sup>st</sup> of August 2012:**

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
69605	ELECTRON MANAGEMENT PTY LTD	1605	09/08/2012	160.00	29/10/2012	Bank Direct Debit	N	29/10/2012	

- **Payment in amount of \$310.62 delayed for three months in 2013:**

761	H & T SECURITY PTY LTD	00025092	05/03/2013	310.62	11/06/2013	EFT	N	11/06/2013
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- **Two payments in amount of \$424.88 delayed for several months in 2013:**

69605	ESSENTIAL SERVICES MANAGEMENT	2848	25/06/2013	132.00	19/08/2013	EFT	N	19/08/2013
69605	ESSENTIAL SERVICES MANAGEMENT	2428	18/03/2013	292.88	19/08/2013	EFT	N	19/08/2013


- **Payment in amount \$775.50 delayed for five months in 2013:**

33568	NCB PLUMBING PTY LTD	30679	23/11/2012	775.50	18/04/2013	EFT	N	18/04/2013
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- Three invoices delayed \$751,51 between 11 months and three months and undisclosed in financial year ending on 31<sup>st</sup> of August 2013 (Admin Fund paid for private water and gas usage without a By-Law and Special Resolution):

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented
72533	KISUNG HA & HYE OK JIN	29481213	31/12/2013	306.10	01/04/2014	EFT	N	01/04/2014
72533	KISUNG HA & HYE OK JIN	52948913	30/09/2013	367.00	01/04/2014	EFT	N	01/04/2014
72533	KISUNG HA & HYE OK JIN	2948513R	29/05/2013	88.41	01/04/2014	EFT	N	01/04/2014

- Six-month delay for payment in amount of \$385.00 and undisclosed in financial year ending on 31<sup>st</sup> of August 2014:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
90705	DURAL BUILDING SERVICES	00003178	10/06/2014	385.00	17/12/2014	Bank Direct Debit	N	17/12/2014	


- Payment in amount of \$451.00 delayed for four months in 2014:

48608	TUNED TO PERFECTION PTY LTD	7247	27/11/2013	451.00	13/03/2014	EFT	N	13/03/2014
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- Payment in amount of \$2,005.71 delayed for three months in 2014:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
7089	ENERGY AUSTRALIA	2948914C	01/09/2014	2005.71	20/11/2014	Mailing House	N	02/12/2014	

- Payment in amount of \$6,464.06 delayed for three months and undisclosed in financial year ending on 31<sup>st</sup> of August 2014:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
10843	THYSSENKRUPP ELEVATOR AUST PTY	1066146	10/06/2014	6464.06	04/09/2014	Bank Direct Debit	N	04/09/2014	


- Payment in amount of \$108.63 delayed for two months in 2014:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
69605	ELECTRON MANAGEMENT PTY LTD	4406	27/05/2014	108.63	23/07/2014	Bank Direct Debit	N	23/07/2014	

- Payment in amount of \$368.50 delayed for three months in 2014:

12598	BLUE FLAME	9132	24/10/2013	368.50	20/01/2014	EFT	N	20/01/2014
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- Payment in amount of \$465.00 delayed for five months in 2015:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
25086	EASTWOOD CARPETS	00003794	16/09/2014	465.00	19/02/2015	Bank Direct Debit	N	19/02/2015	

- Payment in amount of \$385.00 delayed for four months in 2015:

10285	MAGIC GLASS PTY LTD	00031484	14/08/2015	385.00	10/12/2015	EFT	N	10/12/2015
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- Twice-paid same invoice (water leak in storm water pit), where the first one in amount of \$2755.00 delayed for two months:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
33568	NCB PLUMBING PTY LTD	34351A	26/08/2015	2750.90	26/08/2015	EFT	N	26/08/2015	
33568	NCB PLUMBING PTY LTD	34584	10/08/2015	482.90	24/08/2015	EFT	N	24/08/2015	
33568	NCB PLUMBING PTY LTD	& CAMERA	10/06/2015	2755.90	24/08/2015	EFT	N	24/08/2015	

- Overdue payments in amount of \$4,280.29 for gas usage in 2015, undisclosed to owners:

## REMINDER NOTICE

# Gas account

115/10009  
Strata Plan No 52948  
C/- Body Corporate Services  
Private Bag Locked Bag  
HAYMARKET NSW 1238

Enquiries **133 466**  
Gas Supply Faults **131 909**

Internet **energyaustralia.com.au**

Account number	4358260000
Service address	U U 46-9, 1-15 FONTENOY RD MACQUARIE PARK NSW 2113
Issue date	07 Jan 2015
MIRN	5240602407

**OVERDUE ACCOUNT**

Dear Customer

Our records show us that you haven't paid your Gas bill for \$4280.29 by the due date.

We need you to pay the outstanding amount within the reminder notice period, which ends on 19 Jan 2015. If you don't pay this amount within the reminder notice period we'll be forced to take further action.

**Due date**  
**19 Jan 2015**

**Total amount due**  
**\$4280.29**


**PAYMENT IS DUE**

- Three-month delayed payment for LED light changes to Essential Services Management in FY 2015:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
69605	ESSENTIAL SERVICES MANAGEMENT	5817	21/07/2015	293.70	22/10/2015	EFT	N	22/10/2015	



- **Payment for water and gas reimbursements for private use in inequitable manner to Lot 199, delayed for two months:**

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
69878	Lot 199	<u>52948915</u>	20/08/2015	<u>298.83</u>	09/10/2015	Mailing House	N	14/10/2015	

- **Payment in amount of \$689.00 delayed for four months and undisclosed to owners in financial year ending on 31<sup>st</sup> of August 2015:**

9761	H & T SECURITY PTY LTD			00029471	15/07/2015	689.00	03/11/2015	EFT	N	03/11/2015
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- **Two invoices in amount of \$720.50 delayed for nine months and undisclosed to owners in financial year ending on 31<sup>st</sup> of August 2015:**

43714	AUST SAUNA & STEAM ROOMS P/L	1534	05/06/2014	335.50	18/03/2015	EFT		N	18/03/2015
43714	AUST SAUNA & STEAM ROOMS P/L	4589	28/05/2014	385.00	18/03/2015	EFT		N	18/03/2015

- Payment to ESMC in amount of \$293.70 delayed for three months and undisclosed to owners in financial year ending on 31<sup>st</sup> of August 2015:

**esmc.**

ESSENTIAL SERVICES  
MANAGEMENT COMPANY

PLEASE PAY BY

04/08/2015

AMOUNT

\$293.70

INVOICE DATE

21/07/2015

Body Corporate Services (BCS)  
Locked Bag 22.  
Haymarket. NSW 1238

**TAX INVOICE NO. 5817**

**Job No:** 4547  
**Site:** Strata Plan 52948  
**Site Address:** 1-15 Fontenoy Rd  
Macquarie Park NSW 2113  
**Order No.:** Verbal - Steve 1/5/15  
**Request No.:**


**Description**

**Work Requested:** Please attend site and make repairs as necessary


Reported Exit light outside unit #19 not working  
Reported EMG light firestairs "D" Block Level 4 not working

**Work Performed:**

Attended site 01/05/2015  
Supply and install new with LED exit light outside unit #194

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
69605	ESSENTIAL SERVICES MANAGEMENT	5817	21/07/2015	293.70	22/10/2015	EFT	N	22/10/2015	

- Payment to H & T Security in amount of \$689.00 delayed for three months and undisclosed to owners in financial year ending on 31<sup>st</sup> of August 2015:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
9761	H & T SECURITY PTY LTD	00029471	15/07/2015	689.00	03/11/2015	EFT	N	03/11/2015	

- Payment in amount of \$7,785.00 delayed for two months in 2015/2016:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl.	Chq. Date Presented
21266	KINTYRE BUILDING SERVICES P/L	42493A	11/12/2015	7785.00	11/02/2016	EFT	N	11/02/2016

BCS Strata Management failed to provide any evidence of competitive tender for this large roof repairs in Block D. In addition, although the work was completed in October 2015, Kintyre kept sending invoices in such manner to avoid incurring expenses in one go:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total (GST inclusive)	Chq. Date	Date Presented	Comments
21266	KINTYRE BUILDING SERVICES P/L	42493A	11/12/2015	\$7,785.00	11/02/2016	11/02/2016	Block D: roof membrane - fourth part
21266	KINTYRE BUILDING SERVICES P/L	42493	11/12/2015	\$25,000.00	21/12/2015	21/12/2015	Block D: roof membrane - third part
21266	KINTYRE BUILDING SERVICES P/L	42215	2/11/2015	\$32,786.00	23/11/2015	23/11/2015	Block D: roof membrane - second part
21266	KINTYRE BUILDING SERVICES P/L	42081	7/09/2015	\$43,714.00	16/10/2015	16/10/2015	Block D: roof membrane - first part

- Delayed payment for private water and gas usage, in non-compliance with Special By-Law 13 in April 2015:

TOWNHOUSE NUMBER: 217	OWNERS NAME PING JI & QING ZHANG
OWNERS ADDRESS: 217/1-15 Fontenoy Rd Macquarie Park NSW 2113	
Gas Account No: 50677897	Period From: 11 To 11 29 Nov 2013 - 22 Feb 2014
Amount Claimed:	Aud \$ 58.40
Last Amount Claimed:	Period from 11 to 11
Cheque Number:	
Water Account No: 4946536	Period From: 11 To 11 1 Jan 14 - 31 Mar 14
Amount Claimed:	Aud \$ 84.55 (\$31.33 + 142.67)
Last Amount Claimed:	Period from 11 to 11
Cheque Number:	
OWNERS TO COMPLETE NON-SHADED AREAS	RAINE & HORNE STRATA TO COMPLETE SHADED AREAS

Other examples of unauthorized reimbursements for private water and gas usage with excessive delays (the illegal payments amount to several thousands of dollars – copies of all payments have been obtained by a concerned owner):

Lot Owner	Date Claimed	Water	Gas
204	2013 August	Four quarters	Four quarters
201	2013 July	Four quarters	Four quarters
211	2013 May	Nine quarters	Nine quarters
199	2013 March	Two quarters for Mar2012-Aug2012	Two quarters for Mar2012-Aug2012
194	2012 November	One quarter before current	One quarter before current
217	2012 September	Two quarters before current	Two quarters before current
203	2012 September	Three quarters before current	Three quarters before current
205	2011 May	Two quarters before current	Two quarters before current
217	2008 April	24 quarters (2000 to 2006)	Eight quarters (2004-2006)
211	2007 November	Six quarters	Seven quarters
204	2007 August	Three quarters	Three quarters

Additional examples:

Utility–Water & Sewerage 105					
28/05/2009	U201 - Water usage May 06 - Aug 08		540.70	0.00	Chq 100028
01/06/2009	TH198 - May 08 - Feb 09		217.03	0.00	Chq 100030

- **Minutes of EC meeting held on 4<sup>th</sup> of March 2015 confirm some other delayed payments and the fact that these reimbursements have been applied discriminately and in non-uniform way for 15 years:**

Water & gas rebates unpaid

Stan Pogorelsky (a non-recipient of rebates) was delegated the duties of referee on a number of gas and water rebate claims that were not dealt with by the managing agent as expected. It appears that a small number of Owners have English language difficulties and require assistance to complete the necessary documentation. The Chairperson was asked to assist the managing agent in creating a simpler claim form that could be processed with less intervention. Mr Pogorelsky is to be supplied with any unpaid claims in order to confirm if in his opinion they are reasonable and properly documented they are to be paid by the managing agent.

**What was conveniently “forgotten” to report to owners was the fact that the same EC member, Mr. Stan Pogorelsky, has second gas connection in his unit without providing any evidence about reimbursing owners corporation for most years since 1999 (as per Special By-Law) and disclosed by a concerned owner in:**

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-management-Issues-to-be-dealt-with-at-next-EC-Meeting-public-version-Oct2015.pdf>