

SP52948 Illegal and Secret Water and Gas Reimbursements to Selective Townhouse Owners 1999-2016 - Courtesy of BCS Strata Management

Executive Summary:

According to available documents (files for many years is still undisclosed by BCS Strata Management) \$107,432.95 was paid for private water and gas reimbursements to selective townhouse owners in period 1997 to 2016 without disclosure. Hidden scheme as allegedly applied to provide more equitable levies to townhouse owners who do not use lifts and have to share water and gas expenses for common property in buildings (units in buildings do not have individual water and gas meters).

Data for eight years deliberately hidden from owners and undisclosed even though Strata Schemes Management Act 1996 S108 requires the financial documents to be provided upon payments. BCS Strata Management refused to provide access to full financial statements and receipts seven times in period 2011 to 2016.

Reasonable calculation of losses in the Admin Fund that includes data from missing years in period 1999 to 2017: \$200,000.00.

After uncovering this hidden scheme, BCS Strata Management, together with the Executive Committee of the large strata scheme at Macquarie Park, rushed to approve Special By-Law at general meeting in October 2012, without giving owners any details of the size of reimbursements. The Special By-Law was registered eight months later, on 6 May 2013. Since its registration, water and gas reimbursements were paid to selective townhouse owners in non-compliance with the by-law.

An owner tried to make the water and gas reimbursements equitable and fair to all owners in the complex, but due to dormant proxy votes and extremely co-ordinated efforts by BCS Strata Management and the members of the Executive Committee, these Motions failed at FY 2013 and 2014.

On average, only 18 (out of 26) townhouse owners claimed water and gas reimbursements. The financial data for these claims were undisclosed in balance sheets for owners at every Annual General Meeting (AGM) since 1997 (including the general meeting in November 2014).

Years 1997 to 2000: All gas and water reimbursements were illegal without a Special Resolution or Registered By-Law; owners who claimed these expenses were unfinancial; AGMs were void and invalid due to lack of quorum.

Years 2001 to 6 May 2013: All gas and water reimbursements were illegal without a Special Resolution or Registered By-Law; GST and Service Charges claimed by owners for gas usage as well; owners who claimed these expenses were unfinancial; AGM were void and invalid due to lack of quorum; owners corporation made illegal GST claims from the Australian Taxation Office for private expenses paid to townhouses from common funds.

6 May 2013 till August 2017: GST and Service Charges claimed by owners for gas usage in non-compliance with Special By-Law 13; owners who claimed these expenses were unfinancial at AGM 2013, AGM 2014, and AGM 2015; AGM 2013 and two following General Meetings were void and invalid due to lack of quorum; owners corporation made illegal GST claims from the Australian Taxation Office for private expenses paid to townhouses from common funds.

By having inequitable private water and gas usage reimbursements for selective townhouse owners (typically 18 owners out of 26), another illegal activity occurred over 15 years and at AGM 2014: the rights to vote at general meeting is affected by differences in lot entitlement. Drastic example for FY 2014: Townhouse owner of Lot A, with Lot Entitlement 55, did not have any water and gas claims and paid all levies in amount of \$5,125.82. Townhouse owner of Lot B, also with Lot Entitlement 55, after getting water and gas reimbursements, contributed in levies only \$4,607.16. Law says they cannot have equal rights to vote in NSW!

Explanation: When a plan is registered, each lot is given a unit entitlement, being a proportion of the total value of all lots in the scheme. Unit entitlements are used to determine each owner's:

- * contribution towards payment of levies;**
- * beneficial interest in the common property, and**
- * voting rights on a poll.**

It is a standard feature of the laws in other parts of Australia that levies are based on the unit entitlements. However, a number of jurisdictions have variations to the standard approach. Victoria distinguishes between 'lot entitlements' (that determines voting rights and a lot owner's beneficial interest in the common property) and 'lot liability' (the share of the scheme's expenses that each lot owner is required to pay). Tasmania provides for 'special unit entitlements' that allows differing circumstances to be taken into account when setting levies (for example, if a scheme has a lift, the cost of maintenance and upkeep can be limited to only those lots who use the lift). NSW has only 'lot entitlements'.

Hence, Special By-Law in this large strata scheme which allowed inequitable water and gas reimbursements is illegal and is non-compliant with legal voting rights for more than a decade! BCS Strata Management (and its predecessor Raine & Horne Strata Sydney) continues to misinform owners and act against:

- a) Property, Stock and Business Agents Act 2002**
- b) Property, Stock and Business Agents Regulation 2003, Schedule 6**
- c) Department of Fair Trading Rules of Conduct for Strata Schemes:**
 - 1. Knowledge of Act and Regulations**
 - 2. Fiduciary obligations**
 - 3. Honesty, fairness and professionalism**
 - 4. Skill, care and diligence**
 - 5. High pressure tactics, harassment or unconscionable conduct**
 - 6. To act in client's best interests**
 - 8. To act in accordance with client authority**
 - 10. Licensee must ensure employees comply with the Act and regulations**
 - 11. Conflicts of interest**
 - 12. Referral to service provider**
 - 14. Inducements**
 - 15. Soliciting through false or misleading advertisements or communications**
 - 18. Representations about the Act or regulations**
- d) Strata Community Australia (NSW) Code of Conduct**
- e) Strata Schemes Management Act (SSMA) 1996**
- f) Strata Schemes Management Regulation 2010**

g) Section 316 of the Crimes Act 1900 (NSW) makes the knowing concealment of information relating to a "serious indictable offence" a crime punishable by up to 2 years imprisonment. Section 4 of that Act defines "serious indictable offence" to mean an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. Subject to certain exclusions this generally includes the fraud offences in Part 4AA of that Act as well as stealing and similar offences in Part 4. Section 316(1) states:

(1) If a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

BCS DECLINED TO PROVIDE DISCLOSURE STATEMENTS

Before this strata complex Annual General Meeting 2014 or at any time since 1999, BCS did not sign off the Disclosure Statement, which among the other items listed:

- no conflict of interest existed in the past or currently, or is likely to arise in relation to offering improper or privileged services to any strata complex owner, employee, contractor, agent, or member of the Executive Committee;**
- the Tenderer, any related entity, or their respective officers, employees, agents and subcontractors, are not currently, and have not in the previous 10 years, been subject to or involved in any investigations, sanctions, court proceedings, audits and the like in relation to anti-competitive conduct, bribery, or corruption.**

SP52948 Inequitable and Undisclosed Water and Gas Expenses Reimbursements to Selective Townhouse Owners 1997-2016

Cash Accounting Method - 26 Lots in Financial Year (FY): 1 September in any year to 31 August the following year townhouses, 192 in four buildings (figures are GST exclusive for water and GST inclusive for gas usage)

FY	Reimbursements	Average Reimbursements per Townhouse which Received Benefits	Number of Townhouses Receiving Reimbursements	Percentage of Townhouses Receiving Reimbursements vs Total Townhouses (x / 26)	Non-compliance with SSMA 1996 S108 (BCS Strata Management and Executive Committee refuse to provide access to files)
1997					Full accounting data undisclosed
1998					Full accounting data undisclosed
1999					Full accounting data undisclosed
2000					Full accounting data undisclosed, three EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2001					Full accounting data undisclosed, current and ex-three EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2002					Full accounting data undisclosed, three current and ex-EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2003	\$4,714.98	\$362.69	13	50.0%	Three current and ex- EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2004	\$5,959.95	\$350.59	17	65.4%	Three current and ex- EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2005					Full accounting data undisclosed, two current EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2006					Full accounting data undisclosed, two current EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2007	\$6,973.47	\$435.84	16	61.5%	Two current and EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2008	\$7,510.97	\$469.44	16	61.5%	Two current EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2009	\$6,686.64	\$417.92	16	61.5%	Two current EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution

FY	Reimbursements	Average Reimbursements per Townhouse which	Number of Townhouses Receiving	Percentage of Townhouses Receiving Reimbursements vs Total Townhouses (x / 26)	Non-compliance with SSMA 1996 S108 (BCS Strata Management and Executive Committee refuse to provide access to files)
2010	\$10,636.99	\$559.84	19	73.1%	Two current EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2011	\$6,435.25	\$459.66	14	53.8%	Two current and ex-EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2012	\$10,563.18	\$621.36	17	65.4%	Two current and ex-EC members recipients of benefits without disclosure, without Special By-Law, and without Special Resolution
2013	\$13,169.56	\$627.12	21	80.8%	Two current and ex-EC members recipients of benefits without disclosure, Special By-Law not applied correctly
2014	\$12,034.47	\$668.58	18	69.2%	Two current and ex-EC members recipients of benefits without disclosure, Special By-Law not applied correctly
2015	\$12,083.36	\$710.79	17	65.4%	One current EC member recipient of benefits without disclosure, Special By-Law not applied correctly
2016	\$10,599.55	\$706.64	15	57.7%	One EC member recipient of benefits without disclosure, Special By-Law not applied correctly
Total	\$107,432.95				

SP52948 Water and Gas Reimbursements to Selective Townhouse Owners - Individual Benefits 1997-2016 (GST inclusive)

	FY 2003	Water and Gas Reimbursements claimed (13 out of 26 townhouse owners)	FY 2004	Water and Gas Reimbursements claimed (17 out of 26 townhouse owners)	FY 2007	Water and Gas Reimbursements claimed (16 out of 26 townhouse owners)
Lot C		\$938.88	Lot X	\$923.41	Lot K	\$1,139.10
Lot U		\$604.45	Lot I	\$773.91	Lot B	\$762.66
Lot O		\$597.21	Lot O	\$618.38	Lot O	\$710.83
Lot I		\$547.83	Lot Y	\$492.50	Lot G	\$673.73
Lot G		\$511.64	Lot U	\$446.26	Lot I	\$586.08
Lot V		\$364.51	Lot M	\$368.92	Lot V	\$472.22
Lot M		\$258.58	Lot B	\$365.37	Lot T	\$452.37
Lot Q		\$211.28	Lot C	\$329.61	Lot X	\$378.85
Lot A		\$187.89	Lot N	\$302.31	Lot N	\$369.18
Lot Z		\$168.70	Lot A	\$295.44	Lot M	\$354.79
Lot N		\$165.89	Lot Z	\$205.80	Lot U	\$342.04
Lot D		\$88.40	Lot G	\$198.94	Lot A	\$279.62
Lot L		\$69.72	Lot L	\$198.62	Lot H	\$215.35
			Lot V	\$167.28	Lot S	\$111.00
			Lot T	\$118.07	Lot C	\$102.90
			Lot Q	\$78.69	Lot D	\$22.75
			Lot D	\$76.44		

FY 2008	Water and Gas Reimbursements claimed (16 out of 26 townhouse owners)	FY 2009	Water and Gas Reimbursements claimed (16 out of 26 townhouse owners)	FY 2010	Water and Gas Reimbursements claimed (19 out of 26 townhouse owners)
Lot R	\$1,130.20	Lot I	\$828.85	Lot G	\$1,098.73
Lot I	\$1,087.41	Lot O	\$703.77	Lot K	\$854.78
Lot G	\$1,020.02	Lot B	\$608.95	Lot I	\$793.26
Lot B	\$831.73	Lot E	\$540.70	Lot B	\$755.29
Lot O	\$718.93	Lot L	\$505.47	Lot Y	\$620.81
Lot M	\$410.30	Lot U	\$487.77	Lot R	\$608.95
Lot U	\$396.74	Lot M	\$421.27	Lot L	\$590.73
Lot X	\$387.03	Lot N	\$391.08	Lot U	\$566.79
Lot T	\$360.46	Lot A	\$384.83	Lot F	\$548.67
Lot N	\$346.06	Lot R	\$379.97	Lot O	\$542.57
Lot K	\$264.86	Lot T	\$328.30	Lot M	\$507.54
Lot A	\$185.22	Lot F	\$317.08	Lot T	\$494.36
Lot H	\$159.18	Lot V	\$253.54	Lot I	\$459.09
Lot V	\$104.14	Lot J	\$217.03	Lot A	\$451.09
Raine & Horne	\$54.95	Lot X	\$185.57	Lot V	\$450.45
Lot M	\$53.74	Lot H	\$132.46	Lot N	\$427.81
				Lot J	\$415.57
				Lot Z	\$350.50
				Lot S	\$100.00

FY 2011	Water and Gas Reimbursements claimed (14 out of 26 townhouse owners)	FY 2012	Water and Gas Reimbursements claimed (17 out of 26 townhouse owners)	FY 2013	Water and Gas Reimbursements claimed (21 out of 26 townhouse owners)
Lot O	\$725.49	Lot K	\$1,800.61	Lot V	\$2,104.45
Lot U	\$632.63	Lot V	\$1,673.16	Lot O	\$1,267.85
Lot L	\$625.84	Lot S	\$977.28	Lot G	\$1,066.85
Lot A	\$559.93	Lot U	\$747.66	Lot B	\$910.13
Lot B	\$551.38	Lot E	\$644.52	Lot W	\$820.66
Lot K	\$519.49	Lot O	\$552.30	Lot S	\$759.52
Lot M	\$531.23	Lot N	\$522.72	Lot R	\$752.74
Lot N	\$437.89	Lot L	\$517.69	Lot U	\$734.21
Lot V	\$407.45	Lot B	\$472.50	Lot K	\$658.18
Lot T	\$373.62	Lot U	\$460.40	Lot M	\$609.10
Lot I	\$358.98	Lot A	\$448.01	Lot I	\$602.88
Lot J	\$352.68	Lot I	\$445.99	Lot L	\$466.37
Lot R	\$311.60	Lot F	\$378.96	Lot E	\$427.18
Lot T	\$47.04	Lot M	\$330.43	Lot H	\$413.19
		Lot T	\$391.98	Lot T	\$344.43
		Lot F	\$127.77	Lot F	\$309.88
		Lot M	\$71.20	Lot N	\$301.91
				Lot A	\$242.91
				Lot P	\$234.57
				Lot C	\$142.55

FY 2014	Water and Gas Reimbursements claimed (18 out of 26 townhouse owners)	FY 2015	Water and Gas Reimbursements claimed (17 out of 26 townhouse owners)	FY 2016	Water and Gas Reimbursements claimed (15 out of 26 townhouse owners)
Lot R	\$1,463.37	Lot J	\$1,823.09	Lot H	\$1,401.99
Lot L	\$1,126.41	Lot B	\$1,108.84	Lot R	\$1,119.39
Lot F	\$1,155.45	Lot R	\$1,003.26	Lot J	\$1,115.32
Lot O	\$1,031.66	Lot K	\$868.29	Lot B	\$1,042.79
Lot B	\$997.20	Lot H	\$862.40	Lot E	\$886.43
Lot K	\$920.44	Lot M	\$842.06	Lot L	\$840.78
Lot J	\$785.76	Lot I	\$749.86	Lot M	\$788.17
Lot A	\$760.62	Lot L	\$736.31	Lot Z	\$771.85
Lot U	\$737.39	Lot S	\$704.44	Lot K	\$709.70
Lot M	\$662.46	Lot A	\$697.04	Lot A	\$599.04
Lot S	\$588.61	Lot C	\$624.64	Lot U	\$470.87
Lot G	\$504.62	Lot E	\$445.25	Lot C	\$426.27
Lot E	\$487.16	Lot F	\$422.84	Lot S	\$254.90
Lot C	\$338.04	Lot V	\$401.03	Lot F	\$101.50
Lot V	\$196.69	Lot U	\$369.27	Lot O	\$70.55
Lot H	\$114.91	Lot Z	\$218.65		
Lot T	\$82.38	Lot G	\$206.09		
Lot N	\$81.30				

Motions for equitable Water and Gas Reimbursements rejected due to misleading actions by BCS Strata Management and EC at AGM 2013 and 2014

Motion: Equitable sharing of gas usage costs for townhouse owners

The Owners Corporation SPXXX by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, after any amendments, make an additional By-Law in the following terms:

SPECIAL BY-LAW: "Equitable sharing of gas usage costs for townhouse owners"

1. After each billing quarter, all 26 townhouse owners shall receive a refund from the Administration Fund that is equal to gas usage incurred by an average owner in Blocks A, B, C, and D. The formula for a refund to townhouse owners shall be:

a) Add subtotal charges before GST for common gas supply in Blocks A, B, C, and D (invoice for pool area gas meter must not be included), as issued by utility provider for four gas meters at the end of each billing

b) Calculate the sum of per-quarter levies (1/4 of yearly levies) that designated lot owners in Blocks A,B,C, and D pay for additional gas appliances as per Special By-Law 12 "Control of common gas supply";

c) Subtract b) from a);

d) Divide figure obtained in Step c) by 192 (total number of lots in Blocks A, B, C, and D).

2. Strata Manager shall make prompt payment to each of 26 townhouse owners in amount obtained in Step 1. d) at the end of every gas billing quarter;

3. The Treasurer of the Executive Committee shall monitor these payments and report the progress every

4. A new accounting code shall be introduced in the bookkeeping to keep records of the gas usage refunds for townhouse owners;

5. Individual townhouse owners shall have the choice to opt-out of the gas usage refunds;

6. Strata Manager shall keep a register of townhouse owners who wish not to receive the gas usage refunds and shall make it public knowledge for all owners. Townhouse owners can only issue such requests in written form. These requests become enforceable as of date of the application;

7. A townhouse owner who submits request not to receive the gas usage refunds, and then decides differently at other time, shall not be entitled to receive these benefits retrospectively;

8. To the extent of any inconsistency with previous by-laws, this by-law prevails.

Motion: Equitable sharing of water usage costs for townhouse owners

The Owners Corporation SPXXX by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, after any amendments, make an additional By-Law in the following terms:

SPECIAL BY-LAW: "Equitable sharing of water usage costs for townhouse owners"

1. After each billing quarter, all 26 townhouse owners shall receive a refund from the Administration Fund that is equal to 0.5% of water usage invoiced through shared water meter HDTC0039. The formula for a refund to townhouse owners shall be:

**a) Obtain figure from invoice for common water meter,
as issued by the utility provider at the end of each billing quarter;**

b) Multiply figure obtained in step a) by 0.005.

2. Strata Manager shall make prompt payment to each of 26 townhouse owners in amount obtained in step 1. b) at the end of every water billing quarter;

3. The Treasurer of the Executive Committee shall monitor these payments and report the progress every

4. A new accounting code shall be introduced in the bookkeeping to keep records of the water usage refunds for townhouse owners;

5. The decision to alter the water reimbursement percentage in step 1. b) for townhouse owners shall only be made at a general meeting;

6. Individual townhouse owners shall have the choice to opt-out of the water usage refunds;

Non-Compliance with Special By-Law FY2014, FY2015, FY2016

SPECIAL BY-LAW 13 - Sharing of Water and Gas Costs

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and by-laws it shall have the following additional powers, authorities, duties and functions:

1. Determine a fair and equitable method of sharing gas and water charges amongst all lot owners;
2. Refund to lot owners the amounts paid by owners other than to the Owners Corporation for the consumption of water and gas but not for fixed service or connection charges; provided that the Owners Corporation shall have no obligation to pay any amount to an owner unless:
 - a. The owner first pays the gas or water supply company;
 - b. Submits a copy of the bill(s) for consumption within 60 days of payment;
 - c. Claims for reimbursement are made using the form prescribed by the Owners Corporation;
 - d. The claims are for periods that fall within the current financial year of the Owners Corporation or no later the last quarter of the immediate preceding financial year;
 - e. In the event of a dispute over reimbursement the Owners Corporation shall determine the amount to be paid in its absolute discretion acting reasonably;
 - f. An owner may not claim for gas consumption where the common gas supply has been diverted to additional appliances, unless a reasonable estimate for usage of gas having regard to the rated gas consumption of any additional appliances has been deducted from such claim, all such estimates to be at the absolute discretion of the Owners Corporation acting reasonably.
3. In the event that individual gas or water meters are installed to each and every lot such that consumption of either service can be billed on a strictly metered basis to each and every lot owner, the above requirements with respect to the relevant service shall cease to have effect from the date of commencement of direct billing of the relevant service.

THE COMMON SEAL of THE OWNERS – STRATA PLAN
NO _____ was affixed on the 6th day of May 2013 in the
presence of

Names: _____



Water and gas reimbursements were applied to selective townhouse owners (on average 16 to 18 out of 26 owners) without Special Resolution or By-Law for 15 years until rushed General Meeting in October 2013. Total loss to owners corporation for illegal payments amount to over \$160,000.00 in that period. Not only the financial loss is undeniable, but it also means that all townhouse owners (including one EC member) were UNFINANCIAL and hence were not allowed by NSW Strata Management Act 1996 Schedule 2 Clause 10 (8) to vote for any ordinary or special resolutions for 15 years. In addition, because these townhouse owners were unfinancial, the quorum at all General Meetings (excluding adjourned meetings) did not exist (NSW Strata Management Act 1996 Schedule 2 Clause 12). By applying these inequitable reimbursements, the Executive Committee and the Strata Manager effectively changed lot entitlements illegally, as NSW Strata Schemes Management Act 1996 S183 allows it only through Special Resolution at the General Meeting.

Example for FY 2013/14, BCS Strata Management and the Executive Committee continued to show extreme lack of duty of care (water and gas reimbursements are just one example of it):

1. Water and gas reimbursements were selectively applied to 18 townhouse owners (out of 26).
2. Water and gas reimbursements were almost 100% of the time non-compliant with the Special By-Law 13. There was only townhouse owners who twice complied with the by-law (apart from eight owners who made no claims at all).
3. Water and gas reimbursements were applied in inequitable manner that highly benefited some townhouse owners at expense of all others townhouse and building owners (clear and full discrimination).
4. Those owners in four towers (buildings) were not only excessively penalised for extra gas connections (Special By-Law 12), but also contributed to excessive water and gas reimbursements for privileged townhouse owners.
5. All 18 townhouse owners (including one EC member) were UNFINANCIAL and should not have been allowed to vote or be counted for quorum at the AGM 2014.
6. Average usage of water and gas in four buildings is significantly lower than what number of townhouse owners claimed.
7. GST was paid to owners for gas usage without any legal rights. To make things much more serious, GST was then claimed from the Australian Taxation Office.


BCS Strata Management and the Executive Committee REFUSE to provide owners with full accounting details for the last 14 years. Strata Manager even provided false statements to the CTTT in his Statutory Declaration with full knowledge and approval by the EC (punishable by Criminal Act).

To further provide inequitable benefits, EC and BCS Strata Management went even further: a year and a half later, they pushed for approval for gas connection charges to be reimbursed to selective townhouse owners

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 Ref: /Src:X

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CHANGE OF BY-LAW
 New South Wales
 Strata Schemes Management Act
 Real Property Act 1900


AJ115299A

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE**

For the common property	
CP/SP 52948	

(B) **LODGED BY**

495R	Document Name, Address or DX, Telephone, and Customer Account Number if any	CODE CB
	Collection Box Reference:	
	LLPN: 123354Y BY-LAW EXPRESS GPO BOX 751, SYDNEY NSW 2001 PHONE: 9252 0107	

(C) The Owners-Strata Plan No. 52948 certify that pursuant to a resolution passed on 26 November 2014 and

(D) in accordance with the provisions of Section 47 of the Strata Schemes Management Act 1996 the by-laws are changed as follows—

(E) Repealed by-law No. NOT APPLICABLE
 Added by-law No. NOT APPLICABLE
 Amended by-law No. Special By-law 13
 as fully set out below:

Special By-law 13 "Sharing of Water and Gas Costs" is amended by inserting after the words "or connection charges" in section 2 of the by-law the words:

"except for gas connections charges until all lots in the towers are also subject to a separate connection charge for gas".

SP52948 FY 2013/2014 1Sep2013 to 31Aug2014

Lot	Lot Entitlement	Reimbursements to Townhouse Owner for Water and Gas Usage	Levies Payable by Townhouse Owner	Real Balance of Levies Paid by Townhouse Owner	Comment
B	52	\$997.20	\$5,331.22	\$4,334.02	Unfinancial for AGM 2014
D	49	\$0.00	\$5,023.83	\$5,023.83	Received no reimbursements
F	49	\$1,155.45	\$5,023.83	\$3,868.38	Unfinancial for AGM 2014
H	49	\$114.91	\$5,023.83	\$4,908.92	Unfinancial for AGM 2014
J	52	\$785.76	\$5,331.22	\$4,545.46	Unfinancial for AGM 2014
L	56	\$1,126.41	\$5,741.21	\$4,614.80	Unfinancial for AGM 2014
C	54	\$338.04	\$5,536.21	\$5,198.17	Unfinancial for AGM 2014
E	55	\$487.16	\$5,638.82	\$5,151.66	Unfinancial for AGM 2014
A	55	\$760.62	\$5,638.82	\$4,878.20	Unfinancial for AGM 2014
G	55	\$504.62	\$5,638.82	\$5,134.20	Unfinancial for AGM 2014
I	55	\$0.00	\$5,638.82	\$5,638.82	Received no reimbursements
K	58	\$920.44	\$5,946.03	\$5,025.59	Unfinancial for AGM 2014
M	58	\$662.46	\$5,946.03	\$5,283.57	Unfinancial for AGM 2014
O	55	\$1,031.66	\$5,638.82	\$4,607.16	Unfinancial for AGM 2014
Q	50	\$0.00	\$5,125.82	\$5,125.82	Received no reimbursements
S	55	\$588.61	\$5,638.82	\$5,050.21	Unfinancial for AGM 2014
U	55	\$737.39	\$5,638.82	\$4,901.43	Unfinancial for AGM 2014
W	60	\$0.00	\$6,151.20	\$6,151.20	Received no reimbursements
Y	57	\$0.00	\$5,843.82	\$5,843.82	Received no reimbursements
Z	54	\$0.00	\$5,536.21	\$5,536.21	Received no reimbursements
X	54	\$0.00	\$5,536.21	\$5,536.21	Received no reimbursements
V	54	\$196.69	\$5,536.21	\$5,339.52	Unfinancial for AGM 2014
T	54	\$82.38	\$5,536.21	\$5,453.83	Unfinancial for AGM 2014
R	54	\$1,463.37	\$5,536.21	\$4,072.84	Unfinancial for AGM 2014
P	54	\$0.00	\$5,536.21	\$5,536.21	Received no reimbursements
N	54	\$81.30	\$5,536.21	\$5,454.91	Unfinancial for AGM 2014

SP52948 FY 2014/2015 1Sep2014 to 31Aug2015

Lot	Lot Entitlement	Reimbursements to Townhouse Owner for Water and Gas Usage	Levies Payable by Townhouse Owner (3% increase from FY 2014)	Real Balance of Levies Paid by Townhouse Owner	Comment
B	52	\$1,108.84	\$5,491.16	\$4,382.32	Unfinancial for AGM 2015
D	49	\$0.00	\$5,174.54	\$5,174.54	Received no reimbursements
F	49	\$422.84	\$5,174.54	\$4,751.70	Unfinancial for AGM 2015
H	49	\$862.40	\$5,174.54	\$4,312.14	Unfinancial for AGM 2015
J	52	\$1,823.09	\$5,491.16	\$3,668.07	Unfinancial for AGM 2015
L	56	\$736.31	\$5,913.45	\$5,177.14	Unfinancial for AGM 2015
C	54	\$624.64	\$5,702.30	\$5,077.66	Unfinancial for AGM 2015
E	55	\$445.25	\$5,807.98	\$5,362.73	Unfinancial for AGM 2015
A	55	\$697.04	\$5,807.98	\$5,110.94	Unfinancial for AGM 2015
G	55	\$206.09	\$5,807.98	\$5,601.89	Unfinancial for AGM 2015
I	55	\$749.86	\$5,807.98	\$5,058.12	Received no reimbursements
K	58	\$868.29	\$6,124.41	\$5,256.12	Unfinancial for AGM 2015
M	58	\$842.06	\$6,124.41	\$5,282.35	Unfinancial for AGM 2015
O	55	\$0.00	\$5,807.98	\$5,807.98	Received no reimbursements
Q	50	\$0.00	\$5,279.59	\$5,279.59	Received no reimbursements
S	55	\$704.44	\$5,807.98	\$5,103.54	Unfinancial for AGM 2015
U	55	\$369.27	\$5,807.98	\$5,438.71	Unfinancial for AGM 2015
W	60	\$0.00	\$6,335.74	\$6,335.74	Received no reimbursements
Y	57	\$0.00	\$6,019.13	\$6,019.13	Received no reimbursements
Z	54	\$218.65	\$5,702.30	\$5,483.65	Received no reimbursements
X	54	\$0.00	\$5,702.30	\$5,702.30	Received no reimbursements
V	54	\$401.03	\$5,702.30	\$5,301.27	Unfinancial for AGM 2015
T	54	\$0.00	\$5,702.30	\$5,702.30	Received no reimbursements
R	54	\$1,003.26	\$5,702.30	\$4,699.04	Unfinancial for AGM 2015
P	54	\$0.00	\$5,702.30	\$5,702.30	Received no reimbursements
N	54	\$0.00	\$5,702.30	\$5,702.30	Received no reimbursements

SP52948 FY 2015/2016 1Sep2015 to 31Aug2016

Lot	Lot Entitlement	Reimbursements to Townhouse Owner for Water and Gas Usage	Comment
B	52	\$1,135.19	Unfinancial for AGM 2016
D	49	\$0.00	Received no reimbursements
F	49	\$101.50	Unfinancial for AGM 2016
H	49	\$990.99	Unfinancial for AGM 2016
J	52	\$1,158.73	Unfinancial for AGM 2016
L	56	\$724.38	Unfinancial for AGM 2016
C	54	\$614.56	Unfinancial for AGM 2016
E	55	\$646.07	Unfinancial for AGM 2016
A	55	\$547.05	Unfinancial for AGM 2016
G	55	\$0.00	Received no reimbursements
I	55	\$0.00	Received no reimbursements
K	58	\$874.24	Unfinancial for AGM 2016
M	58	\$808.50	Unfinancial for AGM 2016
O	55	\$0.00	Received no reimbursements
Q	50	\$0.00	Received no reimbursements
S	55	\$254.90	Unfinancial for AGM 2016
U	55	\$494.35	Unfinancial for AGM 2016
W	60	\$0.00	Received no reimbursements
Y	57	\$0.00	Received no reimbursements
Z	54	\$931.91	Unfinancial for AGM 2016
X	54	\$0.00	Received no reimbursements
V	54	\$0.00	Received no reimbursements
T	54	\$0.00	Received no reimbursements
R	54	\$1,336.61	Unfinancial for AGM 2016
P	54	\$0.00	Received no reimbursements
N	54	\$0.00	Received no reimbursements

BCS Strata Management and EC continued to apply inequitable reimbursements to selective townhouse owners in FY 2015 (1Sep2014 to 31Aug2015)

Account and Date	Rebate	Comment (copies of all invoices are available on demand - evidence cannot be tampered with); Almost all townhouse owners listed below claimed GST from the Admin Fund; then, for 15 years BCS Strata Management claimed GST from the Australian Taxation Office
Gas (Account 258)		
30/08/2015	\$270.32	Both gas and water reimbursements bundled under Gas account code 258 wrongly; includes late payment fee, supply charges, and GST
30/07/2015	\$484.17	Invoice for period Sep 2013 through to Jun 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.; submitted gas invoices hide information about supply charges
22/07/2015	\$75.10	
15/07/2015	\$85.32	Claimed supply charges
15/07/2015	\$78.13	Claimed supply charges
7/07/2015	\$39.76	Invoice for period May 2014 through to Aug 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d
7/07/2015	\$27.93	Invoice for period Aug 2014 through to Nov 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b.
7/07/2015	\$30.46	Invoice for period Nov 2014 through to Feb 2015; non-compliant with Special By-Law 13 Clause 2. and 2.b.
7/07/2015	\$27.09	Claimed supply charges
28/06/2015	\$65.53	
28/06/2015	\$64.12	
21/06/2015	\$89.99	
14/06/2015	\$90.17	Claimed supply charges; Wrongly charged by BCS to Account 255 (electricity invoices)
11/06/2015	\$64.70	
10/05/105	\$487.80	Invoices for period Nov 2012 through to Nov 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
26/04/2015	\$65.07	Invoice April to June 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
26/04/2015	\$82.57	

26/04/2015	\$58.40	Invoice November 2013 to February 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
26/04/2015	\$76.20	
24/04/2015	\$77.64	
24/03/2015	\$59.61	
24/03/2015	\$67.62	
24/03/2015	\$64.68	
23/03/2015	\$48.74	
22/03/2015	\$269.17	
22/03/2015	\$58.49	
22/03/2015	\$86.47	
15/03/2015	\$63.62	
15/03/2015	\$127.10	
15/03/2015	\$67.65	
2/03/2015	\$94.51	Claimed supply charges for period before amended Special By-Law 13 registered; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
2/03/2015	\$76.40	
6/02/2015	\$68.09	Claimed supply charges for period before amended Special By-Law 13 registered; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
6/02/2015	\$200.27	Claimed supply charges for period before amended Special By-Law 13 registered; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
20/01/2015	\$83.93	Claimed supply charges for period before amended Special By-Law 13 registered; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
20/01/2015	\$96.18	Claimed supply charges for period before amended Special By-Law 13 registered; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
20/01/2015	\$95.40	Claimed supply charges for period before amended Special By-Law 13 registered; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.

20/01/2015	\$99.55	Claimed supply charges for period before amended Special By-Law 13 registered; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
5/01/2015	\$36.51	
15/12/2014	\$187.68	
10/12/2014	\$62.44	
27/11/2014	\$31.70	
10/10/2014	\$85.93	
3/10/2014	\$47.23	Claimed reimbursement for period more than 60-days after the payment; non-compliant with Special By-Law 13 Clause 2. and 2.b.
3/10/2014	\$18.54	Claimed reimbursement for period more than 60-days after the payment; non-compliant with Special By-Law 13 Clause 2. and 2.b.
2/10/2014	\$81.97	Claimed supply charges; claimed reimbursement for period more than 60-days after the payment; non-compliant with Special By-Law 13 Clause 2. and 2.b.
24/09/2014	\$23.81	Claimed reimbursement for period more than 60-days after the payment; non-compliant with Special By-Law 13 Clause 2. and 2.b.
24/09/2014	\$34.55	
18/09/2014	\$68.37	Suspected claim for supply charges; non-compliant with Special By-Law 13 Clause 2.
11/09/2014	\$259.43	
Subtotal	\$5,006.11	
Water (Account 275)		
7/08/2015	\$107.88	
31/07/2015	\$146.08	Listed in different Account 298 as "gas and water rebate"; actually applies to water usage only
30/07/2015	\$265.69	Invoice for period Sep 2013 through to Jun 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
22/07/2015	\$84.81	
15/07/2015	\$113.83	
15/07/2015	\$66.96	
7/07/2015	\$85.57	Invoice for period May 2014 through to Aug 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.

7/07/2015	\$95.97	Invoice for period Aug 2014 through to Nov 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b.
7/07/2015	\$66.96	Invoice for period Nov 2014 through to Feb 2015; non-compliant with Special By-Law 13 Clause 2. and 2.b.
7/07/2015	\$49.10	
28/06/2015	\$51.33	
28/06/2015	\$220.96	
21/06/2015	\$116.06	
14/06/2015	\$104.90	
11/06/2015	\$69.19	
10/05/2015	\$374.60	Invoices for period Nov 2012 through to Nov 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
26/04/2015	\$101.89	Invoice for period April 2014 to June 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b.
26/04/2015	\$98.20	
26/04/2015	\$84.55	Invoice for period November 2013 to February 2014; non-compliant with Special By-Law 13 Clause 2. and 2.b. and 2.d.
26/04/2015	\$92.14	
24/04/2015	\$95.97	
24/03/2015	\$91.51	
24/03/2015	\$63.63	
24/03/2015	\$98.20	
23/03/2015	\$303.50	
22/03/2015	\$61.40	
22/03/2015	\$55.80	
22/03/2015	\$122.76	
15/03/2015	\$87.04	
15/03/2015	\$91.55	
15/03/2015	\$84.81	
3/03/2015	\$91.51	
17/02/2015	\$103.89	
2/03/2015	\$236.59	
2/03/2015	\$151.77	

6/02/2015	\$72.37	
6/02/2015	\$98.76	
20/01/2015	\$196.41	
20/01/2015	\$147.31	
20/01/2015	\$125.10	
20/01/2015	\$131.68	
5/01/2015	\$93.22	
15/12/2014	\$444.16	
12/12/2014	\$131.68	
10/12/2014	\$200.88	
27/11/2014	\$81.17	
25/11/2014	\$147.31	
3/10/2014	\$216.80	Claimed reimbursement for period more than 60-days after the payment; non-compliant with Special By-Law 13 Clause 2. and 2.b.
3/10/2014	\$234.85	
2/10/2014	\$197.28	Claimed reimbursement for period more than 60-days after the payment; non-compliant with Special By-Law 13 Clause 2. and 2.b.
24/09/2014	\$151.76	Claimed reimbursement for period more than 60-days after the payment; non-compliant with Special By-Law 13 Clause 2. and 2.b.
24/09/2014	\$190.91	
18/09/2014	\$79.00	
Subtotal	\$7,077.25	
Total	\$12,083.36	

BCS Strata Management and EC continued to apply inequitable reimbursements to selective townhouse owners in FY 2016 (1Sep2015 to 31Aug2016)

Account and Date Rebate Comment (copies of all invoices are available on demand - evidence cannot be tampered with); Almost all townhouse owners listed below claimed GST from the Admin Fund; then, for 15 years BCS Strata Management claimed GST from the Australian Taxation Office

Gas (Account 258)

6/10/2015	\$184.22	Claimed supply charges, including GST
6/10/2015	\$328.33	Claimed supply charges, including GST
28/09/2015	\$78.24	Claimed supply charges, including GST
20/09/2015	\$64.70	Claimed supply charges, including GST
1/11/2015	\$245.20	Claimed supply charges, including GST
30/11/2015	\$111.62	Claimed supply charges, including GST
14/12/2015	\$423.07	Claimed supply charges, including GST for three quarters
24/11/2015	\$34.10	
26/11/2015	\$92.08	Gas invoice missing in strata documents
17/01/2016	\$60.61	Claimed supply charges, including GST
24/01/2016	\$113.66	Claimed supply charges, including GST
24/01/2016	\$101.66	Claimed supply charges, including GST
7/02/2016	\$68.19	Gas invoice missing in strata documents
28/02/2016	\$114.71	Claimed supply charges, including GST
28/02/2016	\$74.51	Claimed supply charges, including GST
29/02/2016	\$114.71	Claimed supply charges, including GST
23/02/2016	\$68.45	Invoice for gas usage in 2014
23/02/2016	\$68.54	Invoice for gas usage in early 2015
23/02/2016	\$83.22	Claimed supply charges, including GST
23/02/2016	\$105.08	Claimed supply charges, including GST
23/02/2016	\$71.37	Claimed supply charges, including GST
8/03/2016	\$68.54	Claimed supply charges, including GST
15/03/2016	\$68.45	Duplicate payment, Invoice for gas usage in 2014
15/03/2016	\$109.08	Duplicate payment, Claimed supply charges, including GST
15/03/2016	\$71.37	Duplicate payment, Claimed supply charges, including GST
15/03/2016	\$83.22	Duplicate payment, Claimed supply charges, including GST
18/02/2016	\$69.29	Claimed supply charges, including GST
21/03/2016	\$53.11	
23/03/2016	\$88.04	Claimed supply charges, including GST
23/03/2016	\$77.83	Claimed supply charges, including GST
24/03/2016	\$59.88	Claimed supply charges, including GST
31/03/2016	\$59.00	Claimed supply charges, including GST
4/04/2016	\$53.22	Claimed supply charges, including GST

8/04/2016	\$148.28	Claimed supply charges, including GST
8/04/2016	\$70.28	
26/04/2016	\$646.07	Claimed supply charges, including GST, water invoices wrongly charged against Account 258

Water (Account 275)

6/10/2015	\$114.61	
6/10/2015	\$51.68	
28/09/2015	\$49.44	
20/09/2015	\$66.96	
1/11/2015	\$179.83	
22/11/2015	\$122.90	
30/11/2015	\$105.65	
30/11/2015	\$122.90	
14/12/2015	\$233.51	Three quarters
24/11/2015	\$67.40	
26/11/2015	\$74.18	
17/01/2016	\$61.45	
24/01/2016	\$61.45	
24/01/2016	\$127.45	
7/02/2016	\$195.73	Water invoice missing in strata documents
18/02/2016	\$100.14	
22/02/2016	\$104.69	
28/02/2016	\$259.84	
28/02/2016	\$229.61	
29/02/2016	\$259.84	
23/02/2016	\$51.33	Invoice for water usage in 2014
23/02/2016	\$37.94	Invoice for water usage in early 2015
23/02/2016	\$40.96	
23/02/2016	\$44.94	
23/02/2016	\$49.10	
8/03/2016	\$37.94	
15/03/2016	\$51.33	Duplicate payment, Invoice for water usage in 2014
15/03/2016	\$44.94	Duplicate payment, claimed GST that does not exist for water usage
15/03/2016	\$44.10	Duplicate payment
15/03/2016	\$40.96	Duplicate payment
18/03/2016	\$95.59	
21/03/2016	\$104.69	
21/03/2016	\$188.90	
23/03/2016	\$129.73	

23/03/2016	\$127.45
24/03/2016	\$136.56
31/03/2016	\$52.34
4/04/2016	\$56.90
8/04/2016	\$186.57
8/04/2016	\$218.49
8/04/2016	\$241.25

(not all invoices for FY listed here)

Even townhouse owners did not know about reimbursements

One of the proofs that even townhouse owners did not know about water and gas reimbursements for many years: Lot owner from townhouse confirming 7-year period without knowledge of this scheme in email to Raine & Horne Strata Sydney in February 2008 and then straight away claiming for two years in arrears

It's been more than seven years since we moved in and we never thought about this claim until recently my neighbour mentioned about it. We attach some copies of the previous bills, we could not find all old bills, these are all we can get. Thank you very much. If you need to contact

First time claim

STRATA PLAN 52948

S.P.	52948
Authorized	[Signature]
Date	23/1/08
Qty No	227
Amount	2616.07
Currency	0
Acc Code	105 127; 27 62; 815 510

TOWNHOUSE GAS AND WATER USAGE REBATE REQUEST

TOWNHOUSE NUMBER:	OWNERS NAME	
OWNERS ADDRESS:		
Gas Account No:	Period From: 11 To 11 25/09/06 To 05/01/08	
Amount Claimed: N/A	N/A	
Last Amount Claimed: N/A	Period from 11 to 11	
Cheque Number: N/A	N/A	
Water Account No:	Period From: 11 To 11 15/12/06 To 18/12/07	
Amount Claimed: N/A	N/A	
Last Amount Claimed: N/A	Period from 11 to 11	
Cheque Number: N/A	N/A	
OWNERS TO COMPLETE NON-SHADED AREAS	RAINE & HORNE STRATA TO COMPLETE SHADED AREAS	
THIS IS A CLOSING ACCOUNT	THIS FORM MAILED BY RAINE & HORNE STRATA-SYDNEY ON: 11	AUTHORISED

NB: Please turn over for instructions on completing this form.

It's been more than seven years since we moved in and we never thought about this claim until recently my neighbour mentioned about it. We attach some copies of the previous bills, we could not find all old bills, these are all we can get. Thank you very much. If you need to contact us, please call 02 [redacted] and after hours 02 [redacted] or my mobile [redacted]

How EC and BCS Strata Sydney Treat Owners Differently Through Misleading Advice

From: Lot owner (undisclosed)
To: Raine & Horne Strata Sydney
Subject: Strata plan - Gas rebate
Date: Fri, 27 Jul 2012 12:15:22 +0800

Following our phone conversation today, I am sending this gas rebate form with rebate instruction that clearly indicates the gas rebate is for the whole bill, not only usage. The recent executive committee meeting minute item 10 reconfirmed that there is no change to this approved scheme since 1999. Could you please clarify the situation, my recent 2-3 quarters of gas rebate was only given the rebate on usage, which I believe is not correct. I did not see any discussion regarding change to the gas rebate on the committee meeting minutes, and the change has not been consulted or announced.

From: Raine & Horne Strata Sydney
Sent: Tuesday, 7 August 2012 11:59 AM
To: Lot owner (undisclosed)
Subject: RE: Townhouse rebates

However the current policy as established by the committee is only refunding a maximum of 2 quarters (6 month) to any town house, unfortunately we are unable to refund the account over six months old

From: Raine & Horne Strata Sydney
Sent: Wednesday, 9 January 2013 11:08 AM
To: Lot owner (undisclosed)
Subject: FW: Water Bill for lot owner

SW is no longer the Manager for this scheme. I have been managing this scheme for the last six months and will be the Manager for the foreseeable future. You are entitled to rebates on your gas usage as well as your water usage. Please see the attached rebate form (attached). Please complete this form and forward copies of your Gas Invoices to us with the completed form. Please note that we can only reimburse you accounts for the Strata Scheme's current financial year, which is 1 September 2012 to 31 August 2013.

From: Lot owner (undisclosed)
Sent: Friday, 5 July 2013 1:12 PM
To: Raine & Horne Strata Sydney
Subject: Gas rebates since 2007 for ...

Following our telephone conversation a couple of hours ago, as I mentioned to you, I was not given the correct information regarding the possibility of rebating for the gas bills when I made an enquiry about it a few years ago. I am not sure whether it was the previous Strata Manager from raine & Horne or the person before him who told me there is no such thing as gas rebate and hence I never claimed for it. After I contacted you this year and you sent me the information regarding the rebate process on the water bills and also gas bills, I realised that I could have requested the rebate from the beginning. I have been paying for gas since 2004 which is when I purchased moved in the townhouse but have only been able to get the previous bills only as far as 2007 onward. However, I will be following it up to get the gas bills from the beginning. In the meantime, I would like to be reimbursed for what I have so far paid for gas and have never been reimbursed for. Please see attached all the electricity/gas bills since 2007. Can you please assist me with my request as the STRATTA fees are very high and I would like to claim back what has been my right from the beginning and unfortunately I have been denied out of the negligence of the STRATTA management. Can you please keep me in the loop with the progression of my request? Thanks for your consideration and assistance.

From: Lot owner (undisclosed)
To: Raine & Horne Strata Sydney
Sent: Monday, May 27, 2013 4:17 PM
Subject: Gas and water rebate - Unit ...

As I mentionned previously, when we moved into Unit 211 in February 2011, we weren't aware of the Gas and Water rebate scheme for townhouse owners of strata plan until 2013. We are now catching up and trying to clame the rebate for the last two years. The claimed amounts are: Gas: \$ 510.95 Water (consumption only): \$ 343.62

Extraordinary and Annual General Meetings in 2013/2014 Void and Illegal

1. Owner was prevented from attending the meeting without legal grounds
2. Owners were disallowed access to information of crucial importance
3. Townhouse owners unfinancial because of illegal reimbursements. In phone conversation on 30 September 2014 at 14:32 hours, Strata Manager confirmed that all townhouse owners would be issued with invoices for overpayments since Special By-Law 13 was registered on 6 May 2013. That did not happen and was confirmed at the AGM 2014 on 26 November 2014. Group of 18-19 townhouse owners were allowed to vote illegally, including the EC member
4. The resolutions made at the meeting fail the legal "test of reasonable". The agenda for the EGM 2013 and 2014 suffers from lack of crucial information and it will be an easy task to repeal their decisions. One of the powerful rules that was applied many times in courts:
A decision by the Owners Corporation could be seen as reasonable if there is on the material before the Owners Corporation a sound basis for making that decision. Conversely, if there was no such sound basis it would be unreasonable

CTTT Tribunal Member on 6 November 2013 showing how BCS Strata Management manipulated the owners corporation and legal system

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

One of the illegal resolutions at EGM on 4 December 2013. Firstly, here is one of the Motions in full text:

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.

The EGM lasted exactly one hour and in that extremely short timeframe allegedly 11 resolutions were made and Motion 5 "extended" to include massive number of items:

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.

. 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 by [redacted] 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.

SP52948 Partial summary of unapproved and inequitable water and gas reimbursements for townhouse owners for multiple quarters (access to files for eight years denied by BCS Strata Management and the Executive Committee)

Date Claimed	Water	Gas
2013 August	Four quarters	Four quarters
2013 July	Four quarters	Four quarters
2013 May	Nine quarters	Nine quarters
2013 March	Two quarters for Mar2012-Aug2012	Two quarters for Mar2012-Aug2012
2012 September	Three quarters before current	Three quarters before current
2011 August	Three quarters	Three quarters
2011 August		Three quarters
2008 April	24 quarters (2000 to 2006)	Eight quarters (2004-2006)
2007 November	Six quarters	Seven quarters
2007 August	Three quarters	Three quarters

SP52948 Non-disclosure of illegal payments for Special By-Law registration and Non-Compliance with the By-Law in FY 2013 and 2014

Minutes EC meeting 21 April 1998 (Townhouse not allowed to claim any gas reimbursements)

This owner claimed them until the AGM 2014

RESOLVED that approval be granted to Townhouse provided that owner request the fitting in writing and the owner acknowledges that all cost are to be met by themselves and that all future gas accounts will **NOT** be paid by the Owners Corporation.

Minutes EC meeting 14 February 2001 (Townhouse allowed to claim gas reimbursements without separate gas meter)

This owner still claims them

(c) A letter was received from the owner of unit regarding gas connection to the townhouse.

Resolved that the Owners Corporation would not be responsible for any connection fees however ongoing gas usage costs will be met in the normal matter.

Strata Manager's email to Townhouse 28 March 2011

This owner still claims them

From: Raine & Horne Strata Sydney BCS
Sent: Monday, 28 March 2011 9:01 AM
To:
Cc:
Subject: RE: GAS BOILER
Dear

It is in order for you to install a gas hot water tank subject to the following terms

- That you are responsible for all installations costs.
- That the tank is installed in your rear garden area adjacent to the wall at ground level.
- That the tank can not be seen from the common areas.
- That a separate gas meter is fitted for the hot water tank. As your existing gas bill is reimbursed by the strata plan any additional usage must be paid for by yourself.