

CONSUMER, TRADER & TENANCY TRIBUNAL



158 / 1-15 Fontenoy Road
MACQUARIE PARK NSW 2113

File No: SCS 12/5046
(Quote in all enquiries)

Application to the Tribunal concerning 1-15 Fontenoy Road MACQUARIE PARK NSW 2113 Australia - SP52948

I refer to your correspondence dated 6/5/13.

Please find enclosed copy of correspondence issued to the Respondent on 7/5/13.

A handwritten signature in blue ink, appearing to be 'R Kombar'.

R Kombar
Deputy Registrar
07/05/13

CONSUMER, TRADER & TENANCY TRIBUNAL

The Secretary, Owners Corporation SP
52948
C/-Raine and Horne Epping
Floor 1 Block D
240 Beecroft Road
EPPING NSW 2121

File No: SCS 12/5046
(Quote in all enquiries)

Application to the Tribunal concerning 1-15 Fontenoy Road MACQUARIE PARK NSW 2113 Australia – SP52948

Reference is made to correspondence received from the Applicant on 6 May 2013.

I draw your attention to Section 136 of the Strata Schemes Management Act 1996 (the Act) which outlines the obligation of the Owners Corporation's to display and give certain notices. Specifically, section 136(1) states that:

An Owners Corporation given a copy of an application for an order under this Chapter accompanied by the relevant notice must:

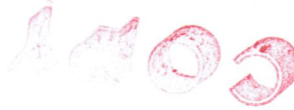
- a) immediately cause the application and notice or a copy of the application and notice to be prominently displayed on any notice board required to be maintained by or under the by-laws on some part of the common property, and
- b) keep the application and notice so displayed until the expiration of the time specified in the notice for the making of submissions, and
- c) immediately serve a copy of the application and notice on each person whose name appears on the strata roll.

I have attached a copy of section 136 for your convenience.



R Komban
Deputy Registrar
07/05/13

Owners Corporation SP 52948
C/-J S Mueller & Co
DX 25315
ROCKDALE NSW 2216



File No: SCS 12/50460
(Quote in all enquiries)

**Application to the Tribunal concerning 1-15 Fontenoy Road MACQUARIE
PARK NSW 2113 Australia - SP52948**

Reference is made to correspondence received from the Applicant on 6 May 2013.

I draw your attention to Section 136 of the Strata Schemes Management Act 1996 (the Act) which outlines the obligation of the Owners Corporation's to display and give certain notices. Specifically, section 136(1) states that:

An Owners Corporation given a copy of an application for an order under this Chapter accompanied by the relevant notice must:

- a) immediately cause the application and notice or a copy of the application and notice to be prominently displayed on any notice board required to be maintained by or under the by-laws on some part of the common property, and
- b) keep the application and notice so displayed until the expiration of the time specified in the notice for the making of submissions, and
- c) immediately serve a copy of the application and notice on each person whose name appears on the strata roll.

I have attached a copy of section 136 for your convenience.

R Komban
Deputy Registrar
07/05/13

S136 Owners corporation to display and give certain notices

- (1) An owners corporation given a copy of an application for an order under this Chapter accompanied by the relevant notice must:
 - (a) immediately cause the application and notice or a copy of the application and notice to be prominently displayed on any notice board required to be maintained by or under the by-laws on some part of the common property, and
 - (b) keep the application and notice so displayed until the expiration of the time specified in the notice for the making of submissions, and
 - (c) immediately serve a copy of the application and notice on each person whose name appears on its strata roll.
- (2) This section does not apply to an application for an order under Part 6 (Enforcement of orders of Adjudicators and Tribunal and certain notices).

6th of May 2013
The Registrar, Consumer, Trader and Tenancy Tribunal
GPO Box 4005, Sydney, NSW 2001

The Applicant, [REDACTED]
158/1-15 Fontenoy Road
Macquarie Park, NSW 2113

Re: [REDACTED]-v- Owners Corporation SP 52948
File No: SCS 12/50460
Summary: Non-Compliance with the Registrar's notice issued on 24th of April 2013

Dear Deputy Commissioner,

On behalf of the Registrar, V Kirton issued a document seeking submissions in File SCS 12/50460 from the owners on 24th of April 2013. In it, there was a notice about the requirement for the Owners Corporation to immediately serve it to all owners on the strata roll, and also display it on notice boards (if applicable).

On Friday, 3rd of May 2013, I called the CTTT office and spoke to Ms. Melissa (spelling?) at 13:15 hours. She confirmed that the notice was sent to the Secretary of the Executive Committee (EC) and a Solicitor who allegedly represented the Owners Corporation.

Based on the advice by Ms. Melissa, I report the following as a matter of urgency:

a) **As of 6th of May 2013, no owner in the complex received a notification about the File SCS 12/50460.** Due to two-week delay to even notify the owners (24th of April to 6th of May), the Secretary of the EC is significantly affecting the owners' rights and legal requirement to investigate the immensely complex and serious mismanagement issues and respond to the CTTT by 4th of June 2013.

Therefore, the timeframe to submit the owners' responses has been decreased by whole two weeks without any valid reason (and possibly even more before the owners finally get some information).

b) As in currently pending File SCS 12/32675 (I will present it in full details in the final Hearing on 10th of May 2013), the Owners Corporation has not authorised and approved any legal services and, as such, the engagement of the Solicitor in SCS 12/50460 is questioned. I duly report that the issue of the Solicitor's engagement in SCS 12/50460 was officially tabled by me during the Department of Fair Trading mediation attempt in file DFT on 7th of March 2013 (sent to Rebecca.Gleeson@services.nsw.gov.au, and also submitted to the CTTT in File SCS 12/32675 on 14th of March 2013).

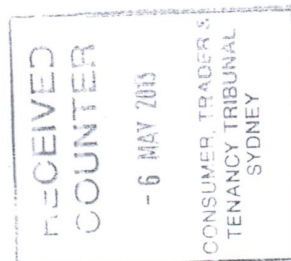
For the sake of all owners in the complex, it is requested that an official and indisputable proof the Owners Corporation has approved legal services in File SCS 12/50460 and all owners have been made aware of the current costs for the Solicitor in File SCS 12/32675 that have exceeded \$20,000.00 so far. Such documents have not been produced so far.

c) The EC and the Strata Manager are continuously undermining the CTTT's orders and acting in non-compliance. **Just in last 10 months, the owners in SP52948 received no information or notices about the following:**

CTTT Directions Hearing in File SCS 12/32675 on 8th of August 2012
CTTT non-compliance warning to the Solicitor in File SCS 12/32675 on 17th of September 2012
CTTT non-compliance warning to the Solicitor in File SCS 12/32675 on 9th of October 2012
Non-compliance with extension to submit evidence upon Solicitor's own request on 19th of September 2012
CTTT Rehearing Orders in File SCS 12/32675 issued on 17th of December 2012
Failed Mediation in DFT File SM12/1537JR in January and February 2013
CTTT Hearing in File SCS 12/32675 on 15th of April 2013
CTTT Hearing in File SCS 12/32675 scheduled for 10th of May 2013
CTTT notice on submissions in File SCS 12/50460 issued on 24th of April 2013

I look forward to CTTT's swift action to enforce the compliance with the Registrar's notices and orders, ensure procedural fairness to all parties, and AVOID UNNECESSARY COSTS TO OWNERS. The procedural fairness and the natural justice have already been denied by the Executive Committee and the Strata Manager numerous times (so far without any consequences or penalties to them).

Sincerely, [REDACTED]



File No: SCS 12/50460
Team No:
Issue: letter
Hrg Date:
Location: Sub dwe46