

The Special By-Law, as secretly devised by Solicitor Adrian Mueller on 23 August 2017, prevented Lot 158 (LEGALLY VALID committee member) from performing his duties whilst five other committee members (who served in various years) were unfinancial for unpaid gas heating levies and other debt without disclosure (Lot 181 Mr. Stan Pogorelsky, Lot 3 Mrs. Lorna Zelenzuk, Lot 147 Mr. Moses Levitt, Lot 88 Mrs. Marianna Paltikian, and Lot 218 Mr. Jeffery Wang) since 2011.

<https://www.nswstratasleuth.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf>

ANNEXURE "A"

SP 52948 Consolidated By-Laws

"Unreasonable Communications" means Communications that are unreasonable due to the content (defamatory, offensive or otherwise), volume, length or duration, or frequency of the Communications; and

"You" means an Owner or Occupier.

3. Interpretation In this by-law:

- (a) Headings have been inserted for guidance only and do not affect the interpretation of this by-law;
- (b) References to any legislation or like provisions include any legislation or like provisions amending, consolidating or replacing the same, and all by-laws, ordinances, proclamations, regulations, rules and other authorities made under them;
- (c) Words importing the singular number include the plural and vice versa;
- (d) Where any word or phrase is given a definite meaning any part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (e) The provisions of this by-law only apply to the extent permitted by law;
- (f) Any provision of this by-law which is held by a court or tribunal to be illegal, invalid or unenforceable shall be severed from the by-law and the remaining provisions shall remain in effect;
- (g) If there is any inconsistency between this by-law and any other by-law applicable to the Strata Scheme, then the provisions of this by-law will prevail to the extent of that inconsistency.

4. Prohibiting unreasonable communications

- 4.1 You must not engage in or generate any Unreasonable Communications.
- 4.2 You must not assist, encourage or cause any other person including another Owner or Occupier to engage in or generate Unreasonable Communications.

5. Prohibiting Dissemination of Personal Information

- 5.1 You must not disseminate or publish via Communications any Personal Information without the prior written consent of the Owner or Occupier to whom the Personal Information relates.
- 5.2 You must not assist, encourage or cause any other person including another Owner or Occupier to disseminate or publish via Communications any Personal Information without the prior written consent of the Owner or Occupier to whom the Personal Information relates.

2) *Why the Special By-Law in 2017*

- 2.1) The first attempt to prevent Applicant from reporting serious SP52948 mismanagement problems occurred as early as November 2011, when Bannermans Lawyers were contacted to propose a By-Law to limit his rights.
- 2.2) Solicitor Adrian Mueller was also approached by BCS Strata Management on 4 November 2011, which, he finally followed up in 2017.
- 2.3) Applicant raised concerns that contract renewal with Uniqueco Property Services at AGM 2016 was flawed, preventing Complete Building Management from tendering for building management.
- 2.4) Applicant raised concerns that contract renewal with Waratah Strata Management at AGM 2017 was flawed, preventing Ryan Strata from tendering for strata management.
- 2.5) Applicant uncovered massive losses to owners due to flawed procedure to extend contract with Uniqueco Property Services at committee meeting on 21 March 2016 (attended by only one committee member), nine months before contract expiration. Uniqueco Property Services monthly salary was increased by 2% without general meeting and "approved" for an additional year. From 1 January 2017 to 31 December 2017, Uniqueco Property Services earned \$291,890.04 (plus GST) in Building Mgt Account 161300 and \$6,823.28 (plus GST) in Building Mgt Account 161350 without general meeting.
- 2.6) Applicant uncovered flawed procedure to conduct building painting and huge expenses in 2017. Minutes of Motion 15 and 16 at AGM on 18 October 2016 approved quote of \$572,498.00 (plus GST), in spite of two other quotes being cheaper (CPR Painting and Moris C) and about 65% faster. Further remedial repairs were accepted at a total cost of \$27,580.00. Applicant obtained copy of Detailed Expenses for FY 2017 on 30 October 2025 through third NCAT Order, and found evidence that major works on townhouses allegedly costing \$92,950.00 in 2017 did not happen and the owners' funds were spent somewhere else or misappropriated, directly discriminating 26 townhouse owners and defrauding owners corporation of their funds.
- 2.7) Applicant's Motions at AGM 2017 were "too dangerous" for strata manager, committee members, and Solicitor Adrian Mueller, including the one to stop racial profiling of specific Asian community.
- 2.8) Committee meeting on 30 June 2017 approved Liftronic contract in amount of \$24,400.00 (plus GST) without having the contract details. Of five alleged votes by the committee members, two were invalid due to unpaid gas heating levies: Mr. Moses Levitt (Lot 147) and Mr. Stan Pogorelsky (Lot 181). Ms. Genellee Godbee orchestrated its "ratification" at committee meeting on 20 July 2017. Agenda of committee meeting on 30 June 2017, its minutes, and any other ordinary committee meeting in 2017 have not been published on Waratah Strata portal.
- 2.8.1) In September and October 2016, Mr. Pogorelsky attended three secret meetings with BCS Strata Management. Meetings wanted to negotiate smooth renewal of strata management contract, where the second candidate, Waratah Strata Management, was supposed to act as dummy option. For these meetings BCS Strata Management secretly charged \$935.00 (plus GST). In secret email on 4 October 2016 Mr. Pogorelsky provided BCS Strata Management with competitor's pricing, directly allowing BCS Strata Management to adjust their Motion and costs for the AGM. Whilst unfinancial to vote, Mr. Pogorelsky carried 32 proxy votes out of 52 in total. He then secretly proceeded to sign contract with Waratah Strata Management by increasing the base value from \$21,800.00 to \$23,110.00. 2.7)
- 2.8.2) Operation of ISP who ran the business on top of Block C in period from 2003 to 2018 - Respondent secretly calculated losses incurred by illegal ISP running in the complex since 31 January 2014 in amount of \$158,199.00. Secret correspondence between Respondents confirmed no income received, and fair annual income from ISP to be \$20,000.00, blaming strata manager for poor management of the contract on 1 September 2013. In secret admission by ISP to Respondent in early June 2018, they listed revenue from the owners corporation in amount of \$126,736.31, but owners did not receive any financial relief, and even paid for electricity supply for ISP's equipment. Grace Lawyers failed to expel the ISP and earned \$4,172.30. Waratah Strata Management issued Tax Invoice to ISP, accepting payment of only \$12,000.00 on 15 June 2018. Minutes of the meeting on 21 June 2018 alleged the offer was accepted at that meeting without disclosure that Respondent had already signed the Settlement Deed on 16 June 2018.
- 2.8.3) Applicant helped CHU Insurance to recover \$8,800.00 for fraudulent claims for alleged legal expenses of Solicitor Adrian Mueller in CTTT case SCS 12/32675 in March 2017. Five insurance claims for alleged legal costs in amount of \$44,677.45 (plus GST) and forgery of documents in CTTT Statutory Declaration in case SCS 12/32675, three forged signatures in different versions of Adrian Mueller's Standard Costs Agreement, false statements in Affidavit in District Court case 13/360456 in February 2014, false statements to NCAT in case SC 20/33352 in January 2022, and false statements in Affidavit in Supreme Court case CA2022-70683 in February 2022 (Police Events 174560202 and E65804633). Legal expenses in three CTTT/NCAT cases, without proper engagement process, close to \$200,000.00 since 2011.
- 2.8.4) Applicant forced Special By-Law which granted exclusive rights to common property at fraudulent EGM to ex-Chairperson Lot 3 in January 2000 (adjourned EGM had more votes than the original meeting, in spite of nobody attending in person and not declaring that Lot 3 had already acquired the property without legal grounds) to be finally registered in Consolidated By-Laws in 2017, 17 years after the event.

2.8.5) Applicant started getting firm evidence that group of around 19 owners (including four present and past committee members were not paying gas heating levies, where the worst offender was Lot 3 who received incomplete invoice for UNPAID levies for 15 years without paying \$200.00 per year (plus GST from 1 July 2000) and 10% simple interest per year on 17 July 2015, who then proceeded to be an unfinancial committee member in FY 2017.

3) Solicitor Adrian Mueller orchestrated Special By-Law "Unreasonable Communications" and prepared secret plan how to prevent Applicant's Motions at AGM 2017

3.1) On 23 August 2017, Solicitor Adrian Mueller sent two secret letters to Waratah Strata Management.

3.1.1) In his first letter, he outlined Special By-Law. Extract from the letter:

"The owners corporation has the principal responsibility for the management of Macquarie Gardens. This includes responsibility to administer Macquarie Gardens for the benefit of the owners. These responsibilities arise under the strata legislation. However, the strata legislation does not impose any obligation on the owners corporation to respond to correspondence it receives from owners or third parties.

The strata committee is required to appoint office bearers including a secretary. The functions of the secretary include answering communications addressed to the owners corporation. This function is imposed on the secretary under the strata legislation. However, this function is not qualified and does not require the secretary to answer every single communication that is addressed to the owners corporation. In our opinion, the functions of the secretary only extend to require the secretary to answer communications addressed to the owners corporation that require a response.

For that reason, we consider that the owners corporation is entitled to pass a resolution at a general meeting authorising and directing the secretary and its strata managing agent to refrain from responding to communications from Lot 158 where:

(a) those communications do not require a response; or

(b) in the circumstances, it would be unreasonable for the communications to be answered because, for example, of the sheer volume or length of the communications.

The owners corporation has a broad capacity to make new by-laws. This includes power to make new by-laws in relation to the management and administration of Macquarie Gardens. In our view, this means that the owners corporation would be able to make a by-law prohibiting owners and occupiers engaging in unreasonable communications with the owners corporation, strata committee members, the strata managing agent and other owners and occupiers, that have a detrimental impact on the management and administration of Macquarie Gardens. For example, a by-law could prohibit owners and occupiers engaging in communications that are unreasonable because of the nature or content, frequency or volume of these communications. The by-law would need to be carefully drafted to ensure that it is not harsh, unconscionable or oppressive.

If the owners corporation introduced such a by-law, it would be able to take action against owners and occupiers who breach the by-law. For example, if the by-law is made, and Lot 158 continues to engage in unreasonable communications with committee members and other owners, the owners corporation would be able to take action against him to enforce any breaches of the by-law by him. This could be done by the owners corporation issuing Lot 158 with a notice to comply with the by-law and, if he continued to breach the by-law, applying to the NSW Civil and Administrative Tribunal for Lot 158 to be penalised up to \$1,100 and ordered to pay its costs for continuing to breach the by-law. This could also be done by the owners corporation applying to NSW Fair Trading for mediation of its dispute with Lot 158 concerning any breaches of the by-law by him and, if mediation is unsuccessful, applying to the NSW Civil and Administrative Tribunal for an order to restrain Lot 158 engaging in unreasonable communications in breach of the by-law.

If the owners corporation makes such a by-law and enforces it in the Tribunal, you should expect that Lot 158 will vigorously defend that enforcement action including on the basis that the by-law is not valid because it is beyond the power of the owners corporation. The owners corporation will therefore need to have the fortitude to pursue any enforcement action in the Tribunal and incur the attendant cost to uphold the validity of the by-law. We note that success in the Tribunal proceedings cannot be guaranteed...

If strata committee members are concerned that Lot 158 continues to publish unsubstantiated or false allegations against them, then there is nothing preventing the owners corporation, through the strata committee, responding to those allegations by circulating communications among owners responding to them as has already been done. This may prove to be a more effective way to address the repeated communications sent by Lot 158 to committee members and other owners than Court or Tribunal action if the concern of the committee is to ensure that owners do not lose confidence in its members."

3.1.2) Solicitor sent advice in the second letter whilst Applicant was legally-valid committee member, and prepared a one-page template to sent to the Applicant close to AGM date. Extract from the document:

"We have, therefore, drafted a letter for the strata managing agent of the owners corporation to send Lot 158. That letter merely states that the requests Lot 158 has made for motions to be included in the agenda of the next general meeting generally do not comply with the strata legislation as a result of which the overwhelming majority of those motions will not be included in the agenda of the next general meeting. The owners corporation does not fall under any obligation to give Lot 158 reasons for rejecting his motions as a result of which the letter we drafted does not do so."

"Once the owners corporation informs Lot 158 that most of his motions will not be included in the agenda of the next general meeting, you should anticipate that Lot 158 will object to that decision and, possibly, submit a revised request for the inclusion of motions in the meeting agenda. We therefore recommend that you inform Lot 158 that his motions will not be included in the agenda of the next general meeting at the same time as the meeting agenda is served on owners."

3.2) In minutes of committee meeting on 28 September 2017, Waratah Strata Management published the following outcomes for two Motions, giving false appearance they were reviewing Applicant's Motions, whilst knowing that Solicitor Adrian Mueller had advised them to exclude the Motions one month earlier on 23 August 2017:

"Lot 158 Correspondence

"Lot 158 has recently provided an updated 83 page document listing motions he requires to be placed on the agenda of the forthcoming AGM. These motions are currently being considered."

3.3) 5 out of 9 members who attended the meeting were unfinancial to vote (Lot 3, Lot 88, Lot 147, Lot 181, and Lot 218).

3.4) Mr. Robert Crosbie, from Waratah Strata Management, followed up on 10 October 2017 and sent email to the Applicant, rejecting all his Motions for the AGM.

3.5) AGM 2017, which approved Special By-Law "Unreasonable Communications" (as orchestrated by Solicitor Adrian Mueller) did not satisfy requirements for organising and conducting general meeting:

3.5.1) Total of 54 units counted as valid at AGM 2017. 23 units were represented by 4 unfinancial committee members for unpaid full gas heating levies, 3 other owners voted who did not pay full gas heating levies, and 3 owners voted who paid whilst paying overdue levies or interest few days after the AGM. In total, 29 out of 54 allegedly valid votes were listed in the minutes of the AGM which were not financial to vote or be elected on the committee, representing 53.70% of all votes.

Applicant's evidence in Document 5 dated 29 January 2025, Paragraph 76.1: on 17 July 2015, Mrs. Zelenzuk was sent an invoice to pay \$1,085.00 for past gas heating levies, without 10% simple interest per year for period 1 September 2000 to 31 October 2015 and without paying \$200.00 (plus GST) since 2000 (these dates were proposed by Mr. Pogorelsky personally knowing that Mrs. Zelenzuk did not pay them from 1996 when they moved into the complex). She paid only \$1,085.00 for gas heating levies for period of 15 years without disclosure to any owner, CTTT/NCAT, and NSW Fair Trading.

Applicant's closing submission for Order to remove Stan Pogorelsky as per SSMA 2015 Section 238 reconfirms statement (with evidence) that conservative calculations as per Mr. Pogorelsky's secret spreadsheet on 10 June 2015: from 21 July 1999 to AGM on 17 October 2019, he owed at least \$13,091.39 in unpaid gas heating levies and that debt increased in the meantime.

- Mrs. Lorna Zelenzuk (Lot 3) carried 8 proxy votes of which three were unfinancial (Lot 33, 34, and 218), plus his own vote.
- Mrs. Marianna Paltikian (Lot 88 and 133).
- Mr. Moses Levitt (Lot 147) carried 3 proxy votes, plus his own vote.
- Mr. Stan Pogorelsky (Lot 181) carried 6 proxy votes of which three were unfinancial (Lot 163, 167, 175, and 182), plus his own vote.

Other unfinancial owners for unpaid full gas heating levies who voted:

- Mr. Upali Aranwela (Lot 62).
- Ms. Karyn Klein (Lot 5) was present in person and yet counted as valid via proxy too.
- Mr. Hyeok Jin & Kisung Ha (Lot 194).

Found in Detailed Revenue for period 1 September 2017 to 31 August 2018: owners who belatedly paid overdue levies or interest, whilst allowed to vote at AGM 2017:

- Asmin Shrestha (Lot 42), paid interest for overdue levies of \$0.01 on 30 October 2017 (two days after the AGM).
- Mr. Francois Degros (Lot 211), paid interest for overdue levies of \$0.01 on 31 October 2017 (three days after the AGM).
- Mr. Q & Mrs. J Wang (Lot 34), paid interest for overdue levies of \$0.02 on 1 November 2017 (four days after the AGM).
- Mrs. R Yueng (Lot 213), paid interest for overdue levies of \$1.16 on 2 November 2017 (five days after the AGM).

3.5.2) Audited accounts not provided to any owner before or at the general meeting (Clause 21 of SSMR 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at AGM in accordance with Section 95 of the SSMA 2015), and they showed up on Waratah Strata website two and half years later in incomplete form.

Auditor's Reports were completed after AGMs with many errors and false accounting figures, five times since 2017, as listed in Paragraph 7 of NCAT 2024/00454780 Applicant's closing submission for Order: remove Stan Pogorelsky as per SSMA 2015 Section 238 (three-page document).

3.5.3) Applicant's Motions were prevented from agenda for the meeting. 73 Applicant's Motions were excluded in the agenda, and the following short summary was provided to owners, where number of Motions was also wrong:

"Note: Lot 158 submitted 76 additional motions which were reviewed by strata lawyers on behalf of the Owners Corporation. The solicitors advice was that the additional motions provided were not compliant with the requirements of strata legislation and were therefore not required to be included in this agenda."

Some of Applicant's Motions were requiring Special Resolutions:

- Discount for early levy payments
- Amend SP52948 By-Law 16 "Keeping of Animals"
- Rescind SP52948 Special By-Law 8 "Acquisition of Additional Common Property"
- Amend Special By-Law 6 "Control of excessive water usage"
- Rescind SP52948 By-Law 14 "Floor Coverings"
- Repeal Special By-Law 13 "Sharing of water and gas costs"
- Repeal Special By-Law 12 "Control of common gas supply"
- Equitable Sharing of Gas Usage Costs for Townhouse Owners
- Dispute Resolution Process
- Amend Special By-Law 6 "Telecommunications Infrastructure"

Few of Applicant's Motions requiring ordinary resolutions:

- Better financial reporting with enforcement of all payments in prescribed timeframes
- Confirm inequitable and excessive water and gas reimbursements to selective townhouse owners
- Undisclosed Contact Details for Waratah Strata Management
- Better financial reporting with enforcement of all payments in prescribed timeframes
- Lack of proper 10-Year Sinking Fund – Now Called Capital Works Fund
- Undisclosed conflict of interest by EC members at AGMs
- Motion 15 for supervision of painting contract at AGM 2016 failed to disclose evidence
- Amend Minutes for Motion 15.1 for painting of buildings at AGM 2016
- Roof membranes on Block A and C overdue for repairs
- Confirm Payments to Solicitor Mr. Adrian Mueller
- Confirm payment to Solicitor Mr. Adrian Mueller for undisclosed service on 5th of September 2016
- Confirm missing and misquoted Motions at AGM 2016
- Non-Compliance with Motion 17 carried at AGM 2014 and lodge complaint against BigAir with Telecommunications Industry Ombudsman
- Confirm owners prevented from reviewing Ryan Strata tender at AGM 2016
- Confirm undisclosed payments to BCS Strata Management for non-compliant EC meetings in 2016
- Undisclosed Secret Cash Advance from PICA Group – Parent Company of BCS Strata Management

4) Evidence of how Respondent used Special By-Law "Unreasonable Communications"

4.1) AGM 2018

4.1.1) 49 Applicant's Motions were included in the agenda and bundled under unified Motion 18, where some of them were requiring Special Resolutions and this is what was provided to owners in the agenda for the meeting

"18 LOT 158 MOTIONS

That the attached motions provided by the owners of Lot 158 be tabled at the meeting and voted on."

4.1.2) Audited accounts were allegedly completed 1 day after the AGM and not provided to any owner before or at the general meeting (Clause 21 of SSMR 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at AGM in accordance with Section 95 of the SSMA 2015), and they showed up on Waratah Strata website half a year later where audited figures for FY 2018 differed from the ones for the same financial year in audited accounts for FY 2019 – the major issue was the fact that no owner paid gas heating levies in FY 2018 in spite of audited account claiming amount of \$2,537.54.

4.1.3) Waratah Strata Management and Police failed to inform owners about massive data losses due to lost USB key for investigations in Police Event E65804633 (Applicant had copies of the USB and offered them for further criminal investigations but they were silently ignored).

4.1.4) Minutes of the AGM listed the following in Motion 18:

"18 LOT 158 MOTIONS

The motions provided by the owners of Lot 158 were tabled. Resolved that as the owners of Lot 158 had submitted 83 pages of motions for the 2017 AGM and 61 pages of motions for the 2018 AGM and that as a substantial number of the motions were the same or similar each year, the correspondence was deemed to be in breach of Special By-Law 14 - Unreasonable Communications, in that they are considered unreasonable due to the content (defamatory, offensive or otherwise), volume, length or duration, or frequency of the communications. The proposed motions were therefore not considered or approved."

4.1.5) Respondent did not allow any discussion or review of Applicant's Motions at the AGM.

4.1.6) Some of Applicant's Motions owners were prevented from proper considerations:

- Order strata documents to be handed over by Solicitor Mr. Adrian Mueller
- Order to Waratah Strata Management to produce eight copies to eight emails to Police and Lot 158
- Undisclosed and poorly prepared registration of Consolidated By-Laws for SP52948 on 30th October 2017
- Quorum miscalculation and undisclosed SSMA 2015 legal requirements at AGM 2017
- Secretary of the EC failed to declare requirements for members of the strata committee and announce disclosures at AGM 2017 and other meetings during 2017 and 2018
- Retrospective payments into common funds as per Special By-Law 12 "Control of common gas supply"
- Owners corporation failed to ensure safety of female owner of Lot 158 and supported stalking, intimidation, bullying and fear
- Undisclosed competitive quotes and undisclosed contact details with 11.5% increase for Waratah Strata Management
- Equitable Sharing of Gas Usage Costs for Townhouse Owners
- Equitable sharing of water usage costs for townhouse owners
- Confirm lack of quorum at two Extraordinary General Meetings on 4 December 2013 and 20 December 2013, and invalidate decisions made at them unless full disclosure provided to all owners
- Confirm inequitable, excessive and unapproved water and gas reimbursements to selective townhouse owners

4.2) Committee meeting on 2 May 2019

4.2.1) Agenda prepared on Friday, 26 April 2019 at 09:34 hours, and did not satisfy SSMA 2015, Schedule 2, Section 4 (1) and (2), and Section 7, and Interpretation Act 1987 (NSW).

4.2.2) The agenda was not sent to the Applicant and all other owners who relied on postal delivery of notices.

4.2.3) Agenda for the meeting had six Motions and did not contain any information about Applicant's requests. Motion 4 was incomplete and not detailed (non-compliant with SSMA 2015 Schedule 2 Clause 7):

"4 CORRESPONDENCE

That any correspondence received be tabled and discussed."

4.2.4) Minutes of the meeting listed 6 committee members attending (out of 9 allegedly elected at AGM 2018) and be allowed to vote, 3 were unfinancial: Lot 147, Lot 181, and Lot 200. Applicant has fully evidence of such claim, as provided to the Respondent on 29 December 2025.

4.2.5) Minutes of the meeting listed the following in Motion 4(relevant extracts listed only):

"4 CORRESPONDENCE

Resolved that correspondence received was tabled and discussed as follows:

Email from Lot 158 regarding use of Council land for parking and smoking - No further action to be taken.

Email from Lot 158 regarding Treasurers position and lost BCS USB - No further action to be taken.

Email from Lot 158 to Thomas Karolewski concerning gas charges, 1999 to 2016 - It is noted that this matter was raised before by the owner of Lot 158. To avoid breach of Special By -Law 13 Unreasonable Communications, owners are advised to direct all communication via the Strata Manager. It is also noted that the 2018 treasurers appointment was specifically for the functional purpose of the strata committee, reporting only to the committee during that tenure. It is also noted that the functions of the treasurer are delegated to Waratah Strata Management in their management agreement."

4.3) Waratah Strata Management secret email to Fair Trading NSW on 20 May 2019 (11 days before Applicant was scheduled for document search in strata manager's office), confirming that Applicant was not allowed to have access to Strata Roll (non-compliance with SSMA 2015 Section 182 (3 a))

4.3.1) Extract from the email:

"Some of the SC members have expressed concern about the information provided to you being provided to Lot 158, specifically the Strata Roll, including the owners contact details. Lot 158 has for many years emailed many of the owners that he has been able to obtain email addresses for...The SC understands that Lot 158 is entitled to obtain a copy of the Strata Roll when he conducts a strata inspection, but he is not entitled to a copy of the owners contact details."

4.4) Committee meeting on 20 June 2019

4.4.1) Agenda prepared on Friday, 14 June 2019 at 17:54 hours, making it impossible to send by post on the same day, which means the first working day for sending it was Monday, 17 June 2019, and did not satisfy SSMA 2015, Schedule 2, Section 4 (1) and (2), and Section 7, and Interpretation Act 1987 (NSW).

4.4.2) The agenda was not sent to the Applicant and all other owners who relied on postal delivery of notices.

4.4.3) Agenda for the meeting had six Motions and did not contain any information about Applicant's requests. Motion 4 was incomplete and not detailed (non-compliant with SSMA 2015 Schedule 2 Clause 7):

4.4.4) Extract of relevant information from Motion 4:

"4 CORRESPONDENCE

Fee proposal from JS Mueller & Co to review correspondence from Lot 158 since 2018 AGM and provide legal advice.

Correspondence from Lot 158."

4.4.5) Minutes of the meeting listed 7 committee members attending (out of 9 allegedly elected at AGM 2018) and be allowed to vote, 4 were unfinancial: Lot 147, Lot 181, Lot 200, and Lot 218. Applicant has fully evidence of such claim, as provided to the Respondent on 29 December 2025.

4.4.6) Minutes of the meeting listed the following in Motion 4 (relevant extracts listed only):

"4 CORRESPONDENCE

Fee proposal from JS Mueller & Co (Lawyers) to review correspondence from Lot 158 since 2018 AGM and provide legal advice - Resolved that the fee proposal from JS Mueller to provided legal advice on the correspondence that has been distributed to owners by the owners of Lot 158 since the 2018 AGM is accepted. Waratah Strata Management and Uniqueco (Building Managers) have each agreed to contribute 1/3 of the cost of this legal advice.

Draft letter to owners - A letter is to be sent to all owners to refute statements that have been made by the owners of Lot 158.

Correspondence from Lot 158 – All correspondence reviewed from the owners of Lot 158 is to be referred to JS Mueller as part of the legal review and whether it is in breach of the "Unreasonable Communications" by-law."

4.4.7) Alleged letter to refute Applicant's statements was not sent to all owners, not made available on Waratah Strata website, not published in the minutes of the meeting, and not published on notice boards.

4.5) Uniquenco Property Services Director Steve Carbone's response to the Applicant on 20 October 2019

"If there is an issue with Lot 158 eg. something needing repair etc. we will be more than happy to sort out.

Please refrain from sending emails that do not relate to your unit."

4.6) AGM on 21 October 2019

4.6.1) Agenda prepared on Monday, 30 September 2019 at 15:47 hours, and did not satisfy Interpretation Act 1987 (NSW).

4.6.2) There is no evidence that all other owners who relied on postal delivery of notices received it before the meeting.

4.6.3) The agenda had these Motions related to the Applicant and election of the committee:

"4 STRATA COMMITTEE

That the owners corporation:

(a) Call for nominations for members of the strata committee;

(b) The candidates for election to the strata committee disclose any connections with the original owner or building manager for the scheme;

(c) Determine the number of members of the strata committee; and

(d) Elect the strata committee

9 LEGAL PROCEEDINGS AGAINST LOT 158

That JS Mueller & Co Lawyers and their recommended Barristers be appointed at an estimated cost of \$150,000 to commence defamation proceedings against owners of Lot 158.

Explanatory Note: Owners of Lot 158 have issued numerous and extensive emails to a large number of lot owners making allegedly false and defamatory statements against various owners and members of the strata committee. The strata committee voluntarily give their time to work in the best interests of the Owners Corporation and do not deserve to have their personal and professional integrity publicly denigrated by one individual. The strata committee are of the view that the correspondence generated by Lot 158 creates a great deal of disharmony within the strata community, and as much of this correspondence is retained within the strata records, has a permanent and negative impact on the perception of the property. This perception can adversely impact on the value of all units should prospective buyers choose not to purchase a unit based this correspondence

14 ADDITIONAL GAS POINT CHARGES

That the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

Explanatory Note: Due to repeated public allegations that have been made by the owners of Lot 158 in relation to the charges that have been made to those owners with additional gas outlets, the strata manager and strata committee have conducted a thorough investigation of the available records going back to 1999. Stan Pogorelsky, owner of Lot 181, provided a detailed history of all relevant invoices he had received from Raine & Horne Strata, BCS Strata and Waratah Strata and of all payments made. As a result of that review it has been found that Lot 181 has not been issued with gas point charge invoices of \$55 for the quarter 1/12/15 - 28/2/16 and \$55 for the quarter 1/6/16 - 31/8/16. A further \$18.34 was short paid during 2015. In summary Lot 181 has short paid \$128.34 of which \$110 has never been invoiced.

There are a further 12-15 lots with additional gas points whose detailed records are not available to review. Many owners will be unwilling or unable to provide the detailed financial records required to review their gas charge payments. Some of the owners of these lots will have changed so it will not be possible to audit records or recover funds from those owners. It is considered that the cost of conducting a forensic audit of the strata records would far exceed the amount of any funds that may be recovered. It is therefore proposed by the strata committee to approve the above motion.

16 LOT 158 MOTIONS

That the attached motions provided by co-owner of Lot 158 be tabled and discussed."

4.6.4) 38 Applicant's Motions were included in the agenda and bundled under unified Motion 16, where some of them were requiring Special Resolutions:

- Repeal Special By-Law 11 "Unreasonable Communication"
- Amend Special By-Law 9 "Control of Common Gas Supply"
- Repeal Special By-Law 10 "Gas, water and sewage charges for service and supply"
- Amend Special By-Law 6 "Control of excessive water usage"

- Equitable sharing of water usage costs for townhouse owners
- Equitable Sharing of Gas Usage Costs for Townhouse Owners

4.6.5) On the day of the AGM, Admin Fund had negative balance of -\$131,852.25 without disclosure to owners, and Income and Expenditure Report listed positive balance in Admin Fund of \$49,386.78 (false accounting).

4.6.6) Applicant conducted two document searches at Waratah Strata Management and was prevented access to many SP52948 strata documents on 31 May and 20 September 2019.

4.6.7) Waratah Strata Management allowed Motion 14 to be voted before Motion 4 (waive outstanding gas heating levies without disclosure of high losses to owners corporation), allowing unfinancial owners Lot 147 Mr. Moses Levitt and Lot 181 Mr. Stan Pogorelsky yet again to be elected on the committee and declined to report it in the minutes of the meeting.

4.6.8) Minutes of the meeting recorded the following, directly limiting the privileges and equal rights to the Applicant:

"9 LEGAL PROCEEDINGS AGAINST LOT 158

Resolved that a Deed of Agreement, a copy of which was handed to Lot 158 at the meeting, requiring:

(1) Not communicate with the Owners Corporation, the Strata Committee, the Owners and Occupiers, Waratah Strata and Uniqueco unless it directly relates to maintenance of the common property in connection with Unit 158, and;

(2) Not publish any material by email, letters or via the internet that is defamatory of the Owners Corporation, the Strata Committee, the Owners and Occupiers, Waratah Strata and Uniqueco, and;

(3) Remove all Defamatory Publications which have been published on the internet;

with this Deed to be signed and returned to Waratah Strata within 14 days of this meeting. Further resolved that any proposed amendments to the Deed of Agreement must be acceptable to JS Muellers & Co Lawyers and the Strata Committee.

Further resolved that should this Deed of Agreement not be signed by Lot 158 within 14 days of this meeting, the Strata Committee are authorised to accept a fee proposal from JS Mueller & Co Lawyers and their recommended Barristers at an estimated cost of \$150,000 to commence defamation proceedings against owners of Lot 158.

Further resolved that a copy of the document presented by Sandra Carbone on behalf of Uniqueco at the meeting is to be attached to these minutes and distributed to all owners.

Further resolved that the voting in this matter was recorded as 65 votes in favour, 2 votes abstained and 1 vote against this motion.

19 LOT 158 MOTIONS

Resolved that the motions provided by co-owner of Lot 158 were tabled and discussed as a single item. Further resolved that all motions were NOT approved as proposed."

4.6.9) Respondent did not allow any discussion or review of Applicant's Motions at the AGM.

4.6.10) The alleged defamation case and Deed of Agreement failed and were never implemented.

4.7) Secret email from Waratah Strata Management to Body Corporate Brokers (insurance brokers) on 16 October 2020:

"I will wait until the fee proposal for Muellers is formally accepted at the AGM next week before fully responding, however the earliest date we were officially aware of the claim was the date the NCAT claim was lodged & notified to us. There have been ongoing disputes with this lot owner for years, with numerous threats that applications would be lodged. These were never taken seriously until the NCAT notification was received".

4.8) AGM on 22 October 2020

4.8.1) The agenda had these Motions related to Applicant where Motion 10 was not a legally-compliant motion:

"9 APPOINTMENT OF JS MUELLER & CO LAWYERS

THAT the owners corporation RESOLVES pursuant to section 103 of the Strata Schemes Management Act 2015 to defend the proceedings commenced by the owners of unit 158 in the NSW Civil and Administrative Tribunal (File No. SC 20/33352), to engage J.S.Mueller & Co. Lawyers to act for the owners corporation in the Tribunal proceedings on the terms of that firm's attached costs agreement issued on 20 August 2020 and to authorise and direct the strata managing agent to give instructions to J.S.Mueller & Co. concerning the conduct of the Tribunal proceedings.

Explanatory Note: This is a motion to authorise the owners corporation to defend proceedings in NSW Civil and Administrative Tribunal and appoint J.S.Mueller & Co. Lawyers to act for the owners corporation in the Tribunal proceedings.

10 LEGAL PROCEEDINGS AGAINST LOT 158

That an update on the legal proceedings, authorised at the 2019 AGM, being taken against owners of Lot 158, be provided.

18 LOT 158 MOTIONS

That the attached motions that have been submitted by Lot 158 be discussed."

4.8.2) Audited accounts were allegedly completed 13 days after the AGM and were not provided to any owner before or at the general meeting (Clause 21 of SSMR 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at AGM in accordance with Section 95 of the SSMA 2015).

4.8.3) Respondent prevented the following competitive quotes from tenders for strata and building management: Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing.

4.8.4) Only 12 of 44 Applicant's Motions were included in the agenda and bundled under unified Motion 18, where some of them were requiring Special Resolutions:

- Repeal Special By-Law "Unreasonable Communications"
- Amend Special By-Law 9 "Control of Common gas Supply"
- Repeal Special By-Law 10 "Gas, water, and sewerage charges for service and supply"
- Equitable Sharing of Gas Usage Costs for Townhouse Owners
- Equitable Sharing of Water Usage Costs for Townhouse Owners

4.8.5) Minutes of the meeting contained these Motions:

"9 APPOINTMENT OF JS MUELLER & CO LAWYERS

The owners corporation RESOLVES pursuant to section 103 of the Strata Schemes Management Act 2015 to defend the proceedings commenced by the owners of unit 158 in the NSW Civil and Administrative Tribunal (File No. SC 20/33352), to engage J.S.Mueller & Co. Lawyers to act for the owners corporation in the Tribunal proceedings on the terms of that firm's attached costs agreement issued on 20 August 2020 and to authorise and direct the strata managing agent to give instructions to J.S.Mueller & Co. concerning the conduct of the Tribunal proceedings.

10 LEGAL PROCEEDINGS AGAINST LOT 158

An update on the legal proceedings, authorised at the 2019 AGM, being taken against owners of Lot 158, was provided. The strata manager advised that legal advice has been obtained from a barrister and a letter has been issued by JS Mueller & Co on behalf of the strata committee and Waratah Strata Management to Lot 158. The strata manager is to seek further advice from Mueller's on having a Deed of Agreement signed by Lot 158 to prevent further alleged defamatory documents being published on the internet and sent by direct email to owners.

18 LOT 158 MOTIONS

Resolved that the motions that were submitted by Lot 158 were discussed and all were not approved."

4.8.6) Respondent did not allow any discussion or review of Applicant's Motions at the AGM.

4.9) Committee meeting on 29 April 2021

4.9.1) Agenda prepared on Friday, 23 April 2021 at 17:56 hours, making it impossible to send by post on the same day, which means the first working day for sending it was Monday, 26 April 2021, and did not satisfy SSMA 2015, Schedule 2, Section 4 (1)

and (2), and Section 7, and Interpretation Act 1987 (NSW). Further more, the agenda falsely claimed it was prepared on 21 April 2021.

4.9.2) The agenda was not sent to the Applicant and all other owners who relied on postal delivery of notices.

4.9.3) Agenda for the meeting had four Motions and did not contain any information about Applicant's requests. Motion 3 was incomplete and not detailed (non-compliant with SSMA 2015 Schedule 2 Clause 7):

"3 MATTERS ARISING FROM PREVIOUS MINUTES

Outcome of NCAT Application by Lot 158 and whether to lodge a submission for recovery of legal costs.

Council Proposed Fire Order, including Engineer Fee Proposals."

4.9.4) Agenda did not include any information about misconduct of the Respondent and Solicitor Adrian Mueller in NCAT case SC 20/33352, including two failures to comply with Tribunal orders, forging the date of their three-page submission, and coercing the Tribunal to ignore Applicants' evidence because "Respondent did not receive it" in spite of fact the Applicant provided seven printed folders and gave details for their access to special secure website as early as October 2020.

4.9.5) Respondent prevented owners from having access to Tribunal documents, including Applicant's Statutory Declaration, throughout NCAT case SC 20/33352 and ever since.

4.9.6) Minutes of the meeting listed 8 committee members attending (out of 9 allegedly elected at AGM 2020) and be allowed to vote, and 3 were unfinancial: Lot 88, Lot 181, and Lot 200. Applicant has fully evidence of such claim, as provided to the Respondent on 29 December 2025. Waratah Strata Management presented false and exaggerated figure about number of attempts by the Applicant, whilst also not giving owners any information what was the reason for repeated emails: 381 messages were sent in period from 2 January 2019 to 9 May 2021.

"4 MATTERS ARISING FROM PREVIOUS MINUTES

NCAT Application by Lot 158 - The Notice of Orders issued by the NSW Civil and Administrative Tribunal were tabled. Those orders dismissed all applications made by Lot 158. The strata manager is instructed to attach a copy of those orders to the minutes of this meeting when they are distributed to all owners. The strata committee is currently awaiting advice from JS Mueller & Co on whether an application for reimbursement of the Owners Corporations legal costs should be submitted to NCAT. It is noted that the \$80,000 legal fee allowance in the 2020 - 2021 Administrative Fund budget is unlikely to be required unless Lot 158 appeals the NCAT decision. Mo Levitt has requested that he be kept informed on any correspondence relating to this issue as he is no longer on the strata committee but has been named in the NCAT application.

Lot 158 Unreasonable Communications - The Strata Manager advises that over 600 emails have been received from Lot 158 since January 2019 therefore Lot 158 is in breach of the Unreasonable Communications By-Law. The Strata Manager is authorised to archive all correspondence from Lot 158, but is not required to respond to any of the correspondence.

Council Proposed Fire Order - The fee proposals provided by Noviiion Engineering and Core Fire were tabled and discussed. The proposal provided by Core Fire for Stages 1, 2 & 3 were accepted. The proposal for project managing the works will be considered once the tenders for the works have been received."

4.10) AGM on 27 October 2022

4.10.1) The agenda had these Motion related to Applicant:

"16 MOTIONS REQUESITIONED BY LOT 158

That the attached motions requisitioned by the owners of Lot 158 be tabled and discussed."

4.10.2) Audited accounts were allegedly completed 43 days after the AGM and were not not provided to any owner before or at the general meeting (Clause 21 of SSMR 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at AGM in accordance with Section 95 of the SSMA 2015).

4.10.3) Negative balance in Admin Fund reached -\$203,914.85 on the day of AGM without disclosure to owners.

4.10.4) 16 Applicant's Motions were included in the agenda and bundled under unified Motion 16, of which some were:

- Ratify events related to Lot 158 being denied access to strata files in spite of fully paid document searches
- Ratify owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158
- Ratify six versions of Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352
- Ratify four unresolved problems with common property maintenance in Lot 158
- Ratify events related to no evidence presented by Solicitor Adrian Mueller in NCAT case SC 20/33352

4.10.5) Minutes of the meeting contained this Motion:

"16 MOTIONS REQUISITIONED BY LOT 158

The Owners Corporation incurred legal fees of \$1,391.50 to have JS Mueller and Co review the validity of the motions requisitioned by Lot 158. Mueller's advised that all of the motions submitted (except one) should be ruled out of order by the chairperson on the grounds that:

(a) The motions, if carried, would be unenforceable; or

(b) The motions, are in fact, not motions at all but rather statements of opinion that do not require any decision to be made.

The Chairman ruled Motions, 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 out of order as advised.

Motion 6 was ruled out of order and the Owners Corporation does not agree to provide Lot 158 with access to the legally privileged records.

Motion 7: Resolved the Owners Corporation does not authorise Lot 158 to be empowered to represent the Owners Corporation in legal cases against Adrian Mueller to recover money from him.

Motion 15 relates the installation of a gate to Lot 151. The owner of that lot, Maureen McDonald, refutes the allegations made that the gate was not approved and that she did not pay 50% of the cost of that work. The installation of the gate was approved by the strata committee in November 2021 and 100% of the cost of the gate was paid by Maureen McDonald."

4.10.6) Respondent did not allow any discussion or review of Applicant's Motions at the AGM.

4.10.7) Respondent provided misleading statements about granting exclusive rights to ex-committee member Lot 151 Ms. Maureen McDonald. On 10 January 2022 Lot 151 installed gate with lock on colorbond fence towards external gardens. Since this is a fence dividing the owner's Lot and common property, the responsibility for this fence is shared equally between that particular Lot 151 and the owners corporation – gates located in this area are treated in the same way. Alleged meeting that approved this installation never happened, and does not exist in Minute Book. Special By-Law was not registered as it was not approved at any general meeting. Evidence that Lot 151 paid half of costs was never provided to any owner, in spite of multiple requests and document searches by the Applicant.

4.11) Committee meeting on 10 February 2022

4.11.1) Agenda prepared on 7 February 2022, and did not satisfy SSMA 2015, Schedule 2, Section 4 (1) and (2), and Section 7, and Interpretation Act 1987 (NSW).

4.11.2) The agenda was not sent to the Applicant and all other owners who relied on postal delivery of notices.

4.11.3) Agenda had no information about the venue and time of the meeting, preventing owners to exercise their rights as per SSMA 2015, Schedule 2, Clause 9 (3).

"An Strata Committee meeting of The Owners – Strata plan 52948 will be held on Thursday, 10 February 2022 at. The meeting will commence at.

The meeting is being held in accordance with Schedule 2 Sec 9(2) of the Strata Schemes Management Act 2015. In is not necessary for you to attend this meeting in person. Please complete and return the attached written voting for prior to the meeting."

4.11.4) Agenda for the meeting had seven Motions and did not contain any information or Motion about Applicant's requests.

4.11.5) Voting form was actually a proxy form, disallowing owners to make decisions on how to vote for each of seven Motions.

4.11.6) Minutes of the meeting listed 7 committee members attending (out of 9 allegedly elected at AGM 2021) and be allowed to vote, 3 were unfinancial: Lot 88, Lot 200, and Lot 218. Applicant has fully evidence of such claim, as provided to the Respondent on 29 December 2025. Waratah Strata Management listed three other ordinary owners attending the meeting and stated that meeting was closed at 7:15 PM.

4.11.7) Minutes of the meeting listed Applicant's information under Motion 6, ignoring the requirement that a "general business" motion for a committee meeting allows discussion and decision-making on items not on the formal agenda, but for a valid decision to occur, the item needs a specific motion with a clear 1-2 sentence summary, submitted in writing to the secretary with an explanation (under 300 words) for inclusion, or deferred to the next meeting if requested after the agenda is set, ensuring proper notice and adherence to the SSMA 2015 for valid resolutions. "General business" is precluded from any strata scheme meetings. All items must be included as a motion on the distributed notice. Forgotten items need to be considered at the next meeting. If include on the agenda, "general business" can only be for general discussion and no resolutions can be made.

"6 GENERAL BUSINESS

Lot 158: It was discussed that Lot 158 has communicated with members of the strata committee. The correspondence has been ignored by all receiving members as per Special By-Law 11 – Unreasonable Communications."

4.12) Extract from letter from Solicitor Adrian Mueller to The Applicant on 27 June 2022, trying to prevent him to assist Office of Legal Services Commissioner, NCAT, Supreme Court Costs Assessor, and the Police

"We are informed that on or about 8 June 2022 you did undertake an inspection of the records of the Owners Corporation. We are told that during that inspection certain privileged documents were made available to you by mistake. We are instructed that privilege is not waived in relation to any of the privileged documents which you have mistakenly given access to.

In relation to the other aspects of your proposal, we are instructed that the Owners Corporation is not prepared to forward the email you sent the strata manager of the Owners Corporation on 8 June 2022, or the evidence you filed in Tribunal proceedings (File No. SC 20/33352) or that you lodged with the costs assessor, to anyone or provide you with the authority to represent the Owners Corporation in dealings with the Office of Legal Services Commissioner, the Tribunal and the Police."

4.13) Waratah Strata Management email response to the Applicant on 16 June 2023

4.13.1) Refusing to deal with serious SP52948 risks and insurance fraud:

"The strata committee have previously decided that you are in breach of the unreasonable communications by-law. As the following correspondence is unreasonable due to the content (defamatory, offensive or otherwise), volume, length or duration, or frequency of the communications, we will not be further responding to this email".

4.14) AGM on 26 October 2023

4.14.1) The agenda did not list any Motion related to Applicant.

4.14.2) Audited accounts were allegedly completed 46 days after the AGM and were not provided to any owner before or at the general meeting (Clause 21 of SSMR 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at AGM in accordance with Section 95 of the SSMA 2015).

4.14.3) Negative balance in Admin Fund reached -\$307,580.90 on the day of AGM without disclosure to owners.

4.14.4) Waratah Strata Management sent the following email to Applicant on 5 October 2023, providing generic rejection of the Motions and making the decision without any consultation with committee members of solicitors:

"We have reviewed your proposed motions and have not included them on the agenda. Your proposed motions are excessive, difficult to decipher and do not identify clear proposed actions or they exceed 300 explanatory words. You have submitted multiple items in the past that the owners corporation has defeated and/or obtained legal advice to review before including to the agenda. There is not enough time obtain legal advice to repeat this exercise. Historical legal outcomes clearly suggest it would be a total waste of the Owners Corporations time and money."

4.14.5) 40 Applicant's Motions were excluded from the agenda, of which some were:

- Confirm SP52948 complex valued at \$146,550,000.00 was uninsured for five days on 26 September 2022
- Confirm Waratah Strata Management failed to justify invoices and expenses in amount of \$122,843.87 (GST excl)
- Confirm FY 2023 Chairperson Mr. John Gore advance plan to leave SP52948 without disclosure at AGM 2023
- Rescind Motion 14 at AGM 2019 and collect overdue gas heating levies to ease levy burden for majority of other owners
- Confirm that Waratah Strata Management and Uniqueco Property Services prevented Lot 158 access to CCTV

4.14.6) Applicant sent warning to the Respondent asking to postpone the AGM and include his Motions on 9 October 2023. It was silently ignored.

4.14.7) Respondent did not allow any discussion or review of Applicant's Motions at the AGM.

4.15) AGM 2024

4.15.1) Committee's report blaming the Applicant for everything and again using "Unreasonable Communications" by-law:

"First and foremost, we must thank our Building Manager Steve Carbone and his company for their unbelievably excellent, and way beyond the call of duty, care of our home, Macquarie Gardens. The meticulous upkeep and recent pool upgrade have added to increased property values.

Unfortunately, though, we live in difficult times with huge cost of living increases. We will require an increase of levies, but the 'blow-out' in the budget is largely due to the repeated actions of Lot 158, on three 'fronts':

1) Fire and Safety Order

Repeated complaints to Fire & Rescue NSW to pressure City of Ryde to issue a Fire Safety Order. Compliance with this Order comes at a very high cost - \$333,000 per year, (spread over 3 years. It should be noted that these costs are additional to obtaining the services of an independent fire engineer (already paid) as the fire order instructed. The independent fire auditor acknowledges that councils across the country have not enforced fire safety upgrades on owners of older buildings but our upgrade, due to the age of the complex, will comply with codes and standards that have been implemented over the past 30 years.

2) Insurance.

The Fire Safety Order has had a flow on effect to our Insurance Policy. We could only obtain a six-monthly Insurance Premium which cost \$135,000 (compared to the same cost for a year in 2023.) So, we have provided as well for another \$135,000 for the next six months (in total \$270,000 for the year).

3) Legal Costs

The actions of Lot 158 have also necessitated our engagement of a lawyer, Adrian Mueller. We are forced to predict further legal costs for 2025 that could be as much as \$25,000. Adrian continues to advise the Committee of the legality of the copious, historical and often defamatory communication, (despite a By- Law to the contrary) including motions submitted to our Annual General Meeting, that are not motions (but must be checked).

The Strata Committee recently declined further mediation with Lot 158 because their complaints were resolved (legally) at a NSW Civil and Administrative Appeals Tribunal (NCAT) meeting (in 2022). All claims were dismissed, and costs awarded against the owner. The recovery of Strata legal costs used an agreed schedule of payments to our insurers from whom we claimed our legal costs. Repeating this process would only achieve the same result but further add to our Insurance and Legal costs.

In total, an additional half a million dollars has had to be provided for in this financial year's budget due to the actions of Lot 158!

Finally, it should also be noted that due to the infrequent and limited access that can legally be granted to owners, any financial discussion owners might receive from Lot 158 will always be based on outdated information (e.g. missing quarterly Strata fee deposits). Most saliently, the allegedly 'missing' money is safely invested in Term Deposits!"

4.15.2) 12 Applicant's Motions were included in the agenda and bundled under unified Motion 25:

"25 MOTIONS REQUISITIONED BY LOT 158 OWNER

Ordinary Resolution

That the attached motions requisitioned by the owners of Lot 158 be tabled and discussed.

Explanatory Note: Motion is designed to inform owners about mismanagement of common funds and fraudulent renewal of building management."

4.15.3) Minutes of the AGM recorded the following:

"Motion 25

That the attached motions requisitioned by the owners of Lot 158 be tabled and discussed

Motion Defeated".

4.15.4) For the first time in history of SP52948, FY 2024 Admin Fund ended with negative balance of -\$45,584.29 with Auditor's warning about strict regulation and limitation how the fund can be financed.

4.15.5) Negative balance in Admin Fund reached -\$127,258.94 on the day of AGM without disclosure to owners.

4.15.6) Respondent did not allow any discussion or review of Applicant's Motions at the AGM.

4.15.7) Some of Applicant's Motions at AGM 2024:

- Confirm unredacted evidence for Waratah Strata Management and committee members' falsified data in Admin Fund for Uniqueco Property Services payments for three months in FY 2024 with intention to defraud owners corporation through excessive cost of building management contract renewal at around 30% increase at non-compliant Extraordinary General Meeting on 30 November 2023
- Waratah Strata Management, Uniqueco Property Services, and committee members failed to justify invoices and expenses in amount of \$122,843.87 (GST excl) before, at, and after AGM 2023 and address misconduct of Annual General Meeting 2023
- Confirm unredacted evidence for Waratah Strata Management and committee members' falsified data in Admin Fund for payments to Solicitor Adrian Mueller in NCAT case SC 20/33352
- Confirm unredacted evidence for Waratah Strata Management and committee members' mismanagement of Admin and 10-Year Capital Works Funds since 2017
- Confirm Waratah Strata Management and committee members failed to attend NSW Fair Trading mediation in case 994497 and did not disclose financial, insurance, and legal risks and losses to owners
- Issue orders to rectify common property problems in Lot 158 unit and building
- Confirm unredacted evidence and issue orders to strata manager to provide outstanding strata documents to Lot 158 to further assist with currently running investigations by Police, Office of Legal Services Commissioner, and NSW Fair Trading

4.16) AGM 2025

4.16.1) For the second time in history of SP52948, FY 2024 Admin Fund ended with negative balance of -\$72,572.18 in spite of levy increases of 7.91% in FY 2024 and 52.42% in FY 2025 and Respondent failed to provide evidence how the fund was financed during the year:

01/09/2024	-\$76,650.88	Start of FY 2025
31/10/2024	-\$325,441.80	End of FY quarter
31/01/2025	-\$299,011.55	End of FY quarter
30/04/2025	-\$375,415.62	End of FY quarter
31/07/2025	-\$310,754.68	End of FY quarter
31/08/2025	-\$72,572.18	End of FY 2025

4.16.2) Negative balance in Admin Fund reached -\$48,532.86 on the day of AGM without disclosure to owners.

4.16.3) On 5 and 7 December 2025, Applicant made final efforts through five emails to reason with the Respondent documenting discrimination against him and possibly other owners, which was ignored by the Respondent who proceed with the AGM and effectively disallowing the Applicant:

- Waratah Strata Management did not publish the agenda and accompanying documents on their website portal.
- Waratah Strata Management provided incomplete paper copy of the agenda, which Uniqueco Property Services put near six notice boards in the complex, where the paper copy of the notice does not have links for pre-meeting electronic voting, denying owners (including the Applicant) who rely on information on notice boards to vote if they wish so.
- Waratah Strata Management sent paper copy of the agenda via post to owners (including the Applicant) who chose to receive it in that format, where the paper copy of the notice does not have links for pre-meeting electronic voting, denying owners to vote if they wish so.
- Waratah Strata Management failed to provide alternative methods for voting and attendance at AGM 2025, directly discriminating against Applicant who could not attend in person and other owners in similar situation: voting by means of teleconference while participating in a meeting from a remote location, voting by means of video-conferencing while participating in a meeting from a remote location, or voting by means of other electronic means participating in a meeting from a remote location.
- Waratah Strata Management secretly introduced 35-day period for waiving interest for overdue levies without any legal decision or notification to owners sometime in 2025 (Applicant provided evidence to NCAT that it was a standard 30-day period as of and up to 21 December 2024). This was obviously done to allow unfinancial owners to be voted as valid, whilst defrauding owners corporation of their rightful income.
- Like in FY 2024, Waratah Strata Management again hid Detailed Revenue for FY 2025. They published Detailed Revenue for the financial year from 01/09/2025 to 31/10/2025 (part of FY 2026) but not Detailed Revenue for the financial year from 01/09/2024 to 31/08/2025.

- Somebody at Waratah Strata Management deleted two of Applicant's important emails in early November 2025:
SUMMARY Special relationship between Mr. Pogorelsky and Waratah Strata Management (sent on 30 October 2025)
SUMMARY Fairy tale story about ransomware attack in February 2019 (sent on 30 October 2025)
That is in addition to Applicant's nomination for the committee membership sent in August 2025 (third lost document, as personally admitted by strata manager Michael Hosford).
- All Motions had serious misleading statements and none of Applicant's concerns were listed or acknowledged in the minutes of the meeting.
- Statement in Motion 9 for AGM 2025 that insurance commission charged to the owners corporation for the current period was \$13,750.00 was misleading and untrue. \$23,686.71 was paid for insurance commissions to Waratah Strata Management in FY 2025. Waratah Strata Management failed to disclose these figures at any meeting. Insurance commissions were paid to Waratah Strata Management in amount of \$71,536.69 since 2018 without any benefits to owners.
- On 3 September 2025 Waratah Strata Management made urgent secret request to insurance broker to increase the insurance cover (property valued at \$177,400,000.00 was insured for only \$153,877,500.00 and Applicant forced strata manager to update it through NSW Fair Trading actions). Owners were charged extra \$9,734.47 for this change.
- Bannermans Lawyers submitted obsolete version of Capital Works Fund (allegedly provided by Waratah Strata Management) from 2017 in Mr. Stan Pogorelsky's witness document with intention to deceive and hamper Tribunal investigations. And there was a strong reason for it. Committee meeting on 23 September 2021 documented shortage of \$1,515,541.00 in Capital Works Fund against the forecast in April 2017 but failed to include it at the general meeting.
- Motion 21 was not numbered in the agenda for AGM 2025 but listed on the proxy form.
- Motions 22 to 27 inclusive were not listed in the agenda for AGM 2025 on the proxy form, including the Motion to appoint Waratah Strata Management as Strata Managing Agent from the date of this meeting (in spite of current contract expiring on 1 March 2026), without a competitive tender, and allegedly increasing their annual management fee by 73.57% and annual disbursements fee by 8.05%.
- Minutes of the AGM 2025 did not show ballot being conducted for the election of the committee, in spite of more than nine owners submitting their candidacy. If Applicant was excluded from the process, that would confirm another misconduct and mismanagement in SP52948.
- Waratah Strata Management failed and actively refused to provide evidence of fully paid levies for a group of owners who were clearly listed with unpaid amounts before the general meeting, in non-compliance with Tribunal orders four times in 2025.

4.16.4) Minutes of the AGM 2025 reported the following statement in Motion 7 for Broker Appointment Insurance Quotations:

"Note: that concern has been raised that due to correspondence to the incumbent insurer of the complex from Lot 158 that this year insurance renewal maybe declined or premiums be excessive to the budgeted."

4.16.5) Minutes of the AGM 2025 reported the following statement in Motion 16 for Transfer of Funds:

"That the owners corporation determines whether the amount of \$75,000.00 should be reimbursed to the capital works fund from the administration fund as per the alternatives below."

The reason for this Motion was the excessive increase in insurance fees in 2024/5 after the efforts of Lot 158 to force Local Council to issue a Fire Order against the complex."

4.16.6) Minutes of the AGM 2025 reported the following statement in Motion 20 for Strata Committee Nomination & Election, without showing evidence of ballot, which was required when there were more than 9 candidates:

"9 Members"

No nominated positions due to prior chairpersons and secretary being targeted by owner of Lot 158 for adverse and personalised correspondence."

Additionally, it was asked, "Can a non-present member be elected, Michael Hosford advised yes."

4.16.7) Respondent failed to provide evidence that these current committee members were fully financial, as per Applicant's repeated evidence on 29 December 2025: Mr. Jeffery Wang, Mr. James Zuravle, Ms. Carole Gan, Mrs. Marianna Makasian, Mr. Ramesh Desai, and Mr. Joe Spatola.

4.16.8) Minutes of the committee meeting that followed straight after the AGM in Motion 3 for Election of Office Bearers stated the following:

"We do not have positions on the committee as this focusses (sp?) unwarranted attention from Lot 158 to the point of this repeatedly summoning one person, rather than the committee to appear before NCAT."

4.16.9) On 9 January 2026, Respondent transferred \$75,000.00 from Capital to Admin Fund, and that was not enough to cover the full negative balance in Admin Fund, which stayed -\$2,050.93 after the borrowing.