

Motion: Amend Special By-Law 9 “Control of Common Gas Supply” registered on 26th of October 2018

The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, amend Special By-Law 9 “Control of Common Gas Supply”:

- Modify Item 1 currently stating:

1. Enter a lot to inspect the common gas supply to cooking appliances;

To become:

1. Enter a lot to inspect the common gas supply to cooking appliances by owners corporation agents, employees or contractors;

- Modify Item 5 currently stating:

5. Vary the annual charge having regard to the cost of gas imposed on the Owners Corporation;

To become:

Owners corporation shall approve the annual charge levy at general meetings through Special Resolution amendment of this Special By-Law, with FY 2021 levies set per each such appliance as follows:

<i>One bedroom units</i>	<i>\$35.00 per quarter plus GST</i>
<i>Two bedroom units</i>	<i>\$40.00 per quarter plus GST</i>
<i>Three bedroom units</i>	<i>\$45.00 per quarter plus GST</i>

- Modify Item 6 currently stating;

6. Impose a retrospective levy on lots found to have tapped the common gas supply without permission from the Owners Corporation, any such charge to be at the absolute discretion of the Owners Corporation acting reasonably;

To become:

6. Impose a retrospective levy on lots found to have tapped the common gas supply without permission from the Owners Corporation, by using levy values as defined for a given year, with 10% simple interest per each year for any outstanding payment; such charge to be at the absolute discretion of the Owners Corporation acting reasonably;

- Add Item 10 to state:

10. Owners corporation representatives shall audit gas heating connections before every general meeting though physical verification as voluntary reporting failed on every occasion in the past.

- Add Item 11 to state:

11. Register of gas heating connections shall be made available through web portal at all times, including evidence of disconnections by licensed gas fitter.

- Delete the following paragraph:

The Chairman noted that this was a slight change in previous policy applied where voluntary reporting of gas appliances had been accepted and the annual fee had remained fixed for many years. This fee was not too low and some measures were necessary to deal with undisclosed use of common gas supply. The conversion of this policy to a by-law is to deal with enforcement.

- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the change of the By-Laws is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site and provide them to agents of rented properties.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Owners were prevented to vote and make decision on this Motion at AGM 2017, 2018, and 2019.

SSMA 2015 Section 212 extends power to owners corporation to enter a lot by its agents, employees or contractors. The Act does not empower a strata committee member to enter a lot for the purpose of carrying out work, or inspecting common property.

Additional safety risk: carbon monoxide poisoning and other faults that can occur with heaters. Carbon monoxide has no smell, taste or color. When the gas is inhaled, it enters the blood and takes the place of oxygen, which can cause death. Every two years a licensed gas fitter should check the heater, flue and the surrounding environment for combustion gasses in the living space.

Motion: Repeal Special By-Law 10 “Gas, water and sewage charges for service and supply” registered on 26th of October 2018

The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, repels the Special By-Law 10 “Gas, water and sewage charges for service and supply”:

- It has not provided equitable benefits to all 26 townhouse owners since its registration on 6th of May 2013. Examples:

2013. 18 out of 26 townhouse owners received benefits for private water and gas usage:

MINYI XIA	\$2,104.45
A LEE	\$1,267.85
Y CHEN	\$1,066.85
FRANCOIS DEGROS & R PAN	\$910.13
SUN MIN HWANG	\$820.66
PING JI & QING ZHANG	\$759.52
HUIMIN RONG & JOHN LEE	\$752.74
K HA & H JIN	\$734.21
ROBERT BROWN	\$658.18
ANDREW CHOW	\$609.10
ANNA NG	\$602.88
ZIBA ZOHREHVANDI	\$466.37
HAN HONG YUN	\$427.18
ANNE PERERA	\$413.19
J YOUNG	\$344.43
ANGELINA LEUNG	\$611.79
BRUCE & F. COPLAND	\$242.91
Y GEE & S WOO	\$234.57
SEUNG HEE WOO	\$142.55

2014. 18 out of 26 townhouse owners received benefits for private water and gas usage:

PING JI & QING ZHANG	\$1,415.26
SUN WOO & YU GEE	\$1,262.45
ANDREW CHOW	\$1,114.97
A LEE	\$1,021.84
KISUNG HA & HYE OK JIN	\$957.02
SUN MIN HWANG	\$895.28
XIAOJUAN LI	\$839.67
ANGELINA LEUNG	\$784.70
BRUCE & F. COPLAND	\$736.30
J LEE & H RONG	\$733.42
ROBERT BROWN	\$588.61
Y CHEN	\$490.23
ZIBA ZOHREHVANDI	\$466.32
J & E GORE	\$327.88
MINYI XIA	\$196.69
H H YUN	\$109.00
ANNE C PERERA	\$82.38
J YOUNG	\$77.03

2016. 15 out of 26 townhouse owners received benefits for private water and gas usage:

HAN HONG YUN	\$1,401.99
XIAOJUAN LI	\$1,119.39
KISUNG HA & HYE OK JIN	\$1,115.32
PING JI	\$1,042.79
DENNIS NC & ROSE SW YEUNG	\$886.43
S M HWANG	\$840.78
S & L LEUNG	\$788.17
ZIBA ZOHREHVANDI	\$771.85

A CHOW	\$709.70
J LEE & H RONG	\$599.04
J & E GORE	\$470.87
BRUCE & F. COPLAND	\$426.27
ROBERT BROWN	\$254.90
SUN WOO & YU GEE	\$101.50
L MA	\$70.55

2019. 18 out of townhouse owners received benefits for private water and gas usage:

Xiaojuan Li	\$726.08
Anna Lee	\$628.25
Hye Ok Jin & Kisung Ha	\$603.20
Sun Min Hwang	\$549.91
Huimin Rong & John Lee	\$478.85
Ziba Zohrehvandi	\$335.81
John Gore	\$332.34
Ping Ji & Qing Zhang	\$329.96
Andrew Tsz Kit Cho & Pui Yee Yung	\$295.89
Gengfeng Huang & Xinyi Liang	\$292.49
Angelina Leung	\$274.16
Sun Moon Woo & Yu Jeong Gee	\$273.89
Han Hong Yun & Hee Sun Kae	\$258.89
Karen Yeung	\$120.64
Andrew Chow	\$116.48
D Yeung & R Yueng	\$99.84
Anna Heung Ying Ng	\$83.66
Francois Degros & Ruimin Pan	\$79.89

- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the change of the By-Laws is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site and provide them to agents of rented properties.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management did not allow voting on this Motion at AGM 2017, 2018, and 2019, and fully declare conflict of interest by EC members. Special By-Law was approved at AGM in 2012 and reconfirmed in 2013 that did not comply with strata regulations. Reimbursements for water and gas were not applied in equitable manner since introduction in 1999. Special By-Law 10 fails to satisfy SSMA 2015, Section 139 "Restrictions on by-laws".

Motion: Equitable Sharing of Water Usage Costs for Townhouse Owners

The Owners Corporation SP52948 by SPECIAL RESOLUTION pursuant to Section 141 of the Strata Schemes Management Act 2015, after any amendments, makes an additional Special By-Law in the following terms:

SPECIAL BY-LAW: "Equitable Sharing of Water Usage Costs for Townhouse Owners"

- 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 (all buildings, gardens, pool area, and other common property). The formula for a refund to townhouse owners shall be:
 - a) Obtain figure from invoice for common water meter HDTC0039, as issued by the utility provider at the end of each billing quarter.
 - b) Reasonable estimate for water in the swimming pool and the spa (with combined volume capacity of around 95.000 liters) is changed several times a year, frequent usage of garden sprinklers, cleaning of all foyers, floors, basement, and garbage bins give calculation of 95.5% of total water usage, leaving around 0.5% for private use of owners in the four buildings.
 - c) Multiply figure obtained in step a) by 0.005 and divide by 192 (total number of lots in Blocks A, B, C, and D).
- Strata Managing Agent shall make prompt payment to each of 26 townhouse owners in amount obtained in step c) at the end of every water billing quarter,
- The Treasurer of the Executive Committee shall monitor these payments and report the progress every quarter.
- A new accounting code shall be introduced in the bookkeeping to keep records of the water usage refunds for townhouse owners.
- The decision to alter the water reimbursement percentage in step b) for townhouse owners shall only be made at a general meeting.
- Individual townhouse owners shall have the choice to opt-out of the water usage refunds.
- Strata Managing Agent shall keep a register of townhouse owners who wish not to receive the 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.
- A townhouse owner who submits request not to receive the water refunds, and then decides differently at other time, shall not be entitled to receive these benefits retrospectively.
- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the Special By-Law is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site and provide them to agents of rented properties.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management failed to allow voting for this Motion at AGM 2017, 2018, and 2019, and declare conflict of interest by EC members.

Motion: Equitable Sharing of Gas Usage Costs for Townhouse Owners

The Owners Corporation SP52948 by SPECIAL RESOLUTION pursuant to Section 141 of the Strata Schemes Management Act 2015, after any amendments, makes an additional Special By-Law in the following terms:

SPECIAL BY-LAW: "Equitable Sharing of Gas Usage Costs for Townhouse Owners"

- 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 quarter.
 - 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 "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).
- Strata Managing Agent shall make prompt payment to each of 26 townhouse owners in amount obtained in Step d) at the end of every gas billing quarter;
- The Treasurer of the Executive Committee shall monitor these payments and report the progress every quarter;
- A new accounting code shall be introduced in the bookkeeping to keep records of the gas usage refunds for townhouse owners.
- Individual townhouse owners shall have the choice to opt-out of the gas usage refunds.
- Strata Managing Agent 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.
- 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;
- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the Special By-Law is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site and provide them to agents of rented properties.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management failed to allow voting for this Motion at AGM 2017, 2018, and 2019, and declare conflict of interest by EC members.

Motion: Ratify major events related to gas heating levies

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- AGM held on 19th of February 1998 adopted Special By-Law 2 which strictly disallowed any addition to common property within the lots without prior written approval.
- Minutes of EC meeting on 21th July 1999 set annual fee of \$200.00 for gas heating connection in Item 13.
- Minutes of EC meeting on 17th November 1999 in Item 13 (f) confirmed levies for the second gas connection in amount of \$200.00 per annum applied to units in buildings and townhouses and payable in advance in December of the current financial year and be subject to annual review.

Two members of the committee had gas heating at the time: Lot 62 (Mr. Upali Aranwela) and Lot 181 (Mr. Stan Pogorelsky).

- Minutes of AGM on 29th of September 1999 were found and scanned during document search on 12th of November 2012 and confirmed in all other document searches at BCS Strata Management in Minute Book on pages 128, 129, and 130.

Minutes of AGM on 29th of September 1999 were found and scanned during document search on 20th of September 2019 at Waratah Strata Management in Minute Book on pages 137, 138, and 139.

Minute Book at Waratah Strata Management was tampered with and changed from the original that BCS Strata Management created.

- Minutes of the EC meeting held on 19th of January 2000 in Item 3 (c) contained motion for notice to be sent to all owners in regards to gas heating in units and townhouses. Owners never received such notice.

Two members of the committee had gas heating at the time: Lot 62 (Mr. Upali Aranwela) and Lot 181 (Mr. Stan Pogorelsky).

- Minutes of EC meeting on 22nd of March 2000 in Item 4 (b) listed the following planned actions for gas heating in units and townhouses:

Enquiries to be made into the cost of installing individual meters for each unit.

Details of the current quarterly gas contributions for each building to be provided to the committee members.

Strata manager advised that the major portion of the gas bill related to pool heating.

Two members of the committee had gas heating at the time: Lot 62 (Mr. Upali Aranwela) and Lot 181 (Mr. Stan Pogorelsky).

- EGM on 21st of May 2000 failed due to lack of quorum and failed to introduce GST. This was found and scanned during document search on 12th of November 2012 and confirmed in all other document searches at BCS Strata Management in Minute Book on page 165.
- Minutes of EGM on 23rd of August 2000 were found and scanned during document search on 12th of November 2012 and confirmed in all other document searches at BCS Strata Management in Minute Book on pages 166 and 167, which naturally followed the pattern of page 165 for EGM on 21st of May 2000.
- Owners corporation obtained Boundary Determination about pergolas being common property from Land & Property NSW on 27th of July 2000.
- During document search at Waratah Strata Management on 20th of September 2019, Minutes of EC meeting on 2nd of August 2000 were found, which did not exist in any previous document search.

Agenda for this meeting and minutes were never sent to any owner. Minutes contained the following statement in Item 2 (a):

It was noted that minutes should be produced and distributed by the managing agent and only referred to the various members at the following committee meeting for their approval.

In Item 3 (b), the following was reported:

Discussion also ensued the annual fee that should be payable by unit occupiers that have a gas fire installed and it was resolved at this stage that an amount of \$50.00 per annum is to be charged to such unit occupiers.

The same page of the Minutes also contained handwritten note by Waratah Strata Management on yellow sticker:

\$50.00

Next changed 17/10/12 to \$200 + GST P.A.

EC meeting on 2nd of August 2000 did not comply with SSMA 1996 regulations.

Two members of the committee had gas heating at the time: Lot 62 (Mr. Upali Aranwela) and Lot 181 (Mr. Stan Pogorelsky).

- During document search at Waratah Strata Management on 20th of September 2019, a letter was found dated 7th of August 2000 without details of which owners it was sent to:
The committee has resolved that an annual fee of \$50.00 is to be charged to any unit owners with a gas heater to cover the cost of additional gas used.

We attach an invoice for a two year period through until the 31 August 2001 and await your cheque in settlement.

This letter was not found in any previous document search since 12th of November 2012.

- The letter dated 7th of August 2000 claimed to have attached the invoice, which Lot 158 found in document search at Waratah Strata Management on 20th of September 2019. The invoice was dated 8th of August 2000, not 7th of August 2000 and also did not contain the details of which owners it was sent to:

In respect to gas used for heating purposes for the period 1 September 1999 to 31 August 2001.

Amount payable \$100.00

The invoice failed to charge \$200.00 for period 1st of September 1999 to 31st of August 2000 that was supposed to be invoiced in December 1999 and then failed to apply 10% simple interest per year.

The invoice failed to add 10% GST that applied from 1st of July 2000.

This invoice was not found in any previous document search since 12th of November 2012.

- AGM on 5th of October 2000 introduced special levies in amount of \$100,000.00 to improve status of Sinking Fund payable in four installments.
- The annual review of the levies for the gas heating connection and disclosure of conflict of interest when it applied to members of the EC never happened in spite of decision at EC meeting on 17th November 1999 in Item 13 (f).
- AGM 2012 rushed to introduce Special By-Law for gas heating levies without full disclosure of events and allowed unfinancial owners to vote. Of special interest were the following owners who acted as members of the committee at different times:

Lot 3
Lot 62
Lot 147
Lot 181

Lot 158 repeatedly asked for evidence that the meeting satisfied quorum.

- Secret email between BCS Strata Management and two EC members on 23rd of October 2012 showed their intention to delay registration of the Special By-Law.
- Complaint by owner of Lot 88 on 27th of March 2013 expressed frustration that the proposed by-law did not have defined levies.
- BCS Strata Management confirmed to Lot 59 that their new gas installation connection would incur quarterly billing based on capacity/rating of the gas heater on 11th of April 2013.
- Based on validity of meetings, levies for second gas connection until EC meeting on 6th May 2013 when the Special

By-Law 12 was registered, were at \$200.00 plus GST per year.

- Special By-Law 12 was registered on 6th of May 2013 did not specify the amount payable for the gas heating levies. The by-law imposed retrospective levies on units found to have such connection without permission, and applying charges at absolute discretion of owners corporation acting reasonably.

The by-law also required that only confirmation from a licensed gas fitter can remove the levy.

The by-law stated that this was a slight change in previous policy applied where voluntary reporting of gas appliances had been accepted and the annual fee had remained fixed for many years. The fee was now too low and some measures were necessary to deal with undisclosed use of common gas supply.

- Minutes of EC meeting on 28th August 2013 (directly benefiting several EC members without disclosure of personal interests) set applicable gas levies to \$55.00 per year.
- Agenda for AGM 2013 listed intention to set the following levies for gas heating:

\$75.00 per quarter for one-bedroom unit
\$100.00 per quarter for two and three-bedroom units
The charges would be reassessed annually.

This plan was never implemented.

- Minutes of the EC meeting on 27th of November 2013 set applicable second gas connection levies to \$220.00 per annum.
- Agenda for AGM 2014 sent the following warning to owners in November 2014:

The by-law relating to annual charges for gas heating passed at AGM in 2013 was implemented by requesting owners to voluntarily disclose their use of the common property cooking gas system for heating appliances. The disclosure rate was lower than expected and therefore new inspections will be required and owners who have not voluntarily disclosed the usage can expect to be retrospectively charged with interest. Current fees are \$50 per quarter.

- Letter from BCS Strata Management sent to owners on 14th April 2014 confirmed gas levies at \$220.00 per year, number of owners having such connections without approval or payments to Admin Fund, and including retrospective charges of maximum one year for voluntary disclosures.
- Secret report dated 13th May 2014 listed only three owners who voluntarily reported gas connections, of which one, Lot 62, previous Treasurer of the EC, failed to provide the date of the installation of the second gas connection:

Lot 62, 147, 181

BCS Strata Management failed to disclose this report to owners.

- After poor self-reporting, EC members instructed BCS Strata Management to run follow-up on 15th of May 2014. Few more owners replied:

Lot 127, 134, 148, 167, 182

- BCS Strata Management issued another warning to owners about voluntary reporting of gas heating connections on 30th of June 2014.
- EC meeting on 4th of March 2015 reported that BCS Strata Management was instructed to reinstitute the quarterly billing for gas heating which had been omitted for two quarters.

Lot owners who had voluntarily disclosed the use of common gas supply for room heating were to be charged at the rate then applying for each year of past use.

Interest charges were to be levied on owners found to have been using gas for heating, without paying for the supply.

- EC Member, Lot 181, issued secret and undisclosed request to BCS Strata Management on 10th of June 2015, confirming that BCS Strata Management had neglected to raise invoices, and asking for them as a matter of urgency.

- BCS Strata Management exchanged several emails with Lot 181 between 19th of June 2015 and 17th of July 2015.

BCS planned to charge Lot 3 and 181 \$55.00 (GST inclusive) per quarter from 1st of November 2015.

- Lot 181 sent his own calculation about gas heating levy arrears to BCS Strata Management on 10th of June 2015. His calculation listed \$311.66 owing for all periods up to 31st of October 2015 and confirmed that he did not pay any gas heating levies in 2012 and 2013.
- BCS Strata Management sent invoice to Lot 3 for gas heating usage for period 1st of September 2000 to 31st of October 2015 in amount of \$1,085.00 on 17th of July 2015 although Lot 181 confirmed in his email to BCS Strata management that Lot 3 had such connection since they moved into the complex.
- Building manager conducted incomplete audit of gas heating connections on 21st of March 2016 which found 13 owners:

Lot 3, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182

- Lot 147 complained about poorly managed invoices for gas heating to BCS Strata Management on 16th of August 2016. This is an extract of email exchange between BCS Strata Management staff:

Example: lot 147 has been charged:

General Debtor Invoices:

2012, 2013 (in one charge as we were back charging for missed invoices & 01/09/15 â€” 31/08/16.

Charged to the lot:

01/09/2010 â€” 31/08/2011

01/09/2014 â€” 31/08/2015

With the information we have on system, my advice would be to leave the charges as they are and if owners are arguing that they have already paid, we can do an audit of the lot and GD accounts as they come up, (the same as we have done for this lot)

In this case, we have no evidence to show we have invoiced the owner twice, either way, all funds they have transferred are accounted for and allocated to the lot, so no refund would be required.

Does this make sense?

- Without disclosure to owners, BCS Strata Management was ordered to suppress gas heating charges on 22nd of July 2016 until the committee discussed it.
- BCS Strata Management issued invoices in amount of \$110.00 payable on 1st of August 2016 for gas heating in 2012 and 2013 to the following owners, without charging correct amounts and not including 10% simple interest per each year:
Lot 3, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182
- On 9th of January 2017, even before they took office, Waratah Strata Management stated to Lot 158 they were not interested in dealing with old unresolved issues.
- On 11th of January 2017, Waratah Strata Management repeated similar intention: not to deal with old problems.
- Waratah Strata Management provided the following listing of 18 owners with gas heating connection in minutes of EC meeting on 16th of March 2017 with intention to issue invoice in amount of \$220.00 (GST inclusive) in May that year:
Lot 3, 8, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182, 194, 199, 206, 209
- Email exchange between Lot 209 and Waratah Strata Management on 10th and 12th of April 2017 confirmed that townhouse owner had gas heating connection but stopped claiming reimbursements in 2014. Waratah Strata Management failed to inform owner about it.

SP 52948

1-15 FONTENOY ROAD

MACQUARIE PARK

ADDITIONAL GAS POINTS

The following units have additional gas points installed:

Lots 3, 8, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182, 194,
199, 206, 209. *Lot 209 cancelled*

No gas usage being claimed
A charge of \$220 incl. GST per annum for gas usage for the period of
1 September to 31 August each year (SP FY) is to be invoiced and
payable as at 1 May each year.

- Waratah Strata Management and the committee members worked on secret rebuttal of Lot 158 claims on 19th and 25th of June 2020 and could not document the date when the alleged gas heating levies were decreased to \$50.00.
- Minutes of EC meeting on 20th of July 2017 stated the following:

The historical charges to lot owners for additional gas points was discussed. The strata manager advised that a thorough review of the BCS records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. Resolved that a motion is to be included on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. (Note: In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totalling \$1,411.66, of which only \$91.66 relates to strata committee members. The committee do not believe this information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee.)

The issue of gas supply and gas usage charges was also discussed. Waratah Strata Management were previously instructed to only reimburse gas usage and not gas supply charges. It has been raised by various owners that this is inconsistent with what previously occurred and amended Special By-Law 13. It was discussed that the unit owners only pay a supply charge for the gas used for hot water and not cooking, and that the townhouse owners should therefore also not pay the supply charges for their gas used for cooking. Resolved that the townhouse owners are to be reimbursed the gas supply and gas usage charges. Waratah Strata are to reimburse owners the gas supply charges on any previously claimed expenses as part of the next reimbursement paid.

This Motion was not listed in agenda for AGM 2017 and 2018.

- Email from Lot 147 to Lot 181 on 16th of July 2017, showing lack of knowledge and understanding of CHU Insurance payments for Solicitor Adrian Mueller legal costs:

I was concerned about Lot 158 claim that he had never paid the \$8,800.00 and only \$26,500.00 so I contacted previous EC member this morning to clarify exactly what was included in the amount awarded to OC. It appears that the \$8,800.00 could be assessed as part of \$26,500.00 awarded to the OC. I requested he confirm his comments to me which is hereunder. It also expands the comments in his email dated ... [I think you sent to me but cannot locate]. So it appears that Lot 158 is correct that he made no payment of \$8,800.00.

Hence the payment made to the insurer was incorrect and Robert should advise them of these facts and request we be reimbursed.

- Email from Lot 147 to Waratah Strata Management on 17th of July 2017 about CHU Insurance payments for Solicitor Adrian Mueller legal costs, providing wrong instruction:

Subsequent to the OC paying \$8,800.00 to CHU Lot 158, in his email referring to the CHU Insurance Claim between 25 March 2017 and 5 April 2017, has claimed he did not pay \$8,800.00.

I have determined that this is correct and per the comment from previous EC member below. The \$8,800.00 was assessed as part of the overall penalty of \$26,500.00 paid by Lot 158.

Would you please advise CHU accordingly and request a refund of the amount of \$8,800.00 from them – they did receive the amount of \$26,500.00.

This clarifies why we cannot trace that amount in the documents from BCS.

- Extracts from letter sent to owners by Waratah Strata Management and committee members on 21st of July 2017:

Gas heating connections

The historical charges to lot owners for additional gas points was discussed at the recent SC meeting. The strata manager advised that a thorough review of the BCS Strata Management records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. It was decided that a motion is to be included on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totaling \$1,109.23, of which none relates to strata committee members. The committee do not believe the BCS information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee members.

Legality of Committee members

DB has made accusations that members of the SC have a conflict of interest when voting on matters of a financial nature. This is an absurdity. Of course the SC members have a financial interest in the building - that is why they are on the committee! To suggest that committee members cannot make an impartial decision that is in the best interests of the OC just because they also have a personal financial interest in the outcome of those decisions is offensive.

The committee cannot stop DB sending you his correspondence, but you can instruct him to stop sending you his emails. You are encouraged to ignore his misinformed, inaccurate and twisted version of events. If you have any personal concerns about the management of the property, please send them directly to Waratah Strata Management, who will raise them with the strata committee, so you can be provided with accurate information in response.

Correspondence such as that being distributed by DB has a serious impact on the harmony within the property and the value of your units. Any prospective purchaser of a unit within the building will carry out an inspection of the strata books and records. When those records disclose serious disharmony, many owners may choose not to purchase a unit in your building, reducing the competition from buyers and the price achieved.

- Handwritten notes taken by Waratah Strata Management at EC meeting on 20th of July 2017 show a different plan:
Gas charges – To include motion or AGM agenda that cost of auditing accounts to verify gas charges would be far greater than any income OC may receive. No further action to be taken in regards to investigating or collecting any unpaid charges.
- Lot 147 and 181 were fully aware of consequences of being an unfinancial owner through email that Waratah Strata Management sent to them on 12th of October 2017:

Stan & Mo,

As discussed yesterday:

Unfinancial Owners:

An owner is unfinancial if the owner has not paid all contributions levied on the owner that are due and payable, and any amounts recoverable from the owner, in relation to the lot. They are unfinancial if the amount was owing as at the date the meeting notice was issued and not paid before the meeting.

Levy Increase:

I suggest the discussion on the levy increase should not look at the increase from one financial year to another due to there being 3 quarters from one budget and one quarter from the previous budget, but should just look at the increase from one levy year to the next. This is what matters most to the owners – how much will the levy go up from one quarter to the next.

A summary of the figures incl. GST is as follows:

	2016-2017	2017-2018	Difference
AF	\$ 869,000	\$ 830,170	-4.6%
CWF	<u>\$ 275,000</u>	<u>\$ 324,500</u>	+18%
Total	\$1,144,000	\$1,154,700	+0.93%

- Secretary of the EC and acting Chairperson Mr. Robert Crosbie failed to include Lot 158 Motion “Retrospective payments into common funds as per Special By-Law 12 Control of common gas supply” at AGM 2017 and 2018 and declare conflict of interest by EC members, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).
- During document search at Waratah Strata Management on 31st of May 2019 the following listing of owners with second gas connection was found:

Lot 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181, 182, 194, 198, 199, 206, 213

The following units have **additional gas heating points** installed and are to be charged the “Additional Gas Point Fee”:

Lots 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181, 182.

A charge of \$220 incl. GST per annum for gas usage for the period of 1 September to 31 August each year (SP FY) is to be invoiced and payable as at 1 May each year for that period.

The following townhouses are entitled to claim for **gas usage** charges:

195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219.

Lots 194, 198, 199, 206 & 213 cannot claim for gas usage as they have an additional gas point (heating or hot water) and are not to be charged the Additional Gas Point Fee.

Lot 213 has removed gas cooking so cannot claim for gas usage.

Townhouses 194 – 219 can claim for **water usage**.

This summary was not provided by Waratah Strata Management to owners.

- During document search at Waratah Strata Management on 20th of September 2019 the following listing of owners with second gas connection was found:

Lot 3, 59, 62, 68, 102, 127, 147, 148, 162, 163, 181, 182, 194, 198, 199, 206, 213

The following units have additional gas heating points installed and are to be charged the "Additional Gas Point Fee":

Lots 3, 59, 62, 68, 102, 127, 147, 148, 162, 163, 181, 182.

(Note: Lot 8 disconnected 16/4/19 – charged pro-rata year.)

(Note: Lot 162 connected additional gas point 30/5/19 – charged pro-rata year.)

A charge of \$220 incl. GST per annum for gas usage for the period of 1 September to 31 August each year (SP FY) is to be invoiced and payable as at 1 May each year for that period.

The following townhouses are entitled to claim for gas usage charges:

195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219.

Lots 194, 198, 199, 206, & 213 cannot claim for gas usage as they have an additional gas point (heating or hot water) and are not to be charged the Additional Gas Point Fee.

Lot 213 has removed gas cooking so cannot claim for gas usage.

Townhouses 194 – 219 can claim for water usage.

- Lot 158 provided to Waratah Strata Management during 2017, 2018, and 2019 evidence of the following owners having second gas connection, which they declined to publish for owners or refute in any statement:

Lot 3, 8, 59, 62, 68, 88, 102, 127, 134, 144, 147, 148, 154, 162, 163, 167, 175, 181, 182, 192, 194, 198, 199, 206, 209, 213

Based on available and incomplete evidence (strata managers failed to provide access or lost data due to poor management of owner's information), Lot 158 found only these owners had formal approval to install:

Lot 59	Letter on 6 th of March 2013
Lot 62	EC meeting on 26 th of May 1999
Lot 88	Letter on 19 th of September 2013
Lot 148	August 2007
Lot 167	EC meeting on 28 th of August 2013
Lot 181	EC meeting on 26 th of May 1999
Lot 194	Letter on 28 th of March 2011
Lot 213	EC meeting on 17 th of September 1998

Based on available and incomplete evidence (strata managers failed to provide access or lost data due to poor management of owner's information), Lot 158 found only these owners provided information when they connected gas heating appliances:

Lot 147	Since May 2001
Lot 148	Started on 13 th of August 2007, disconnected on 9 th of September 2019
Lot 162	Connected on 30 th of May 2019
Lot 167	Since 27 th of May 2014 (received invoice for FY 2012 and 2013 on 15 th of July 2016)
Lot 182	Owner's comment: "Not known, it was there when we bought the unit"
Lot 192	Owner's comment: "We have been paying relevant fees from the beginning"

Lot 213 Owner's comment: "Existing outlet possibly installed by previous owner. We moved in on 7Feb2014. We are using electric stove and oven"

- Lot 3, 147, 62, 68, 102, 147, 148, 175, 181, 182, 192, 209 were approached to refute or confirm Lot 158 documents about unpaid levies for gas heating connections and any defamation examples in November 2018. None of them responded with any evidence.
- Waratah Strata Management note for EC meeting in February 2019 contains the following details about owners being charged belated levies for second gas connection:

FY 2013	\$55.00 per annum
FY 2014	\$55.00 per annum
FY 2016	Nil

The note also contains the information the decision was made to set second gas connection levies to \$220.00 per annum on 27th of November 2013.

Waratah Strata Management commented they needed to back-charge levies for second gas connection for FY 2016.

This was not provided to owners in the minutes of the meeting.

- Minutes of EC meeting on 21st of March 2019 listed the following:

Further resolved that following Waratah Strata's computer hacking loss of data, the additional gas point fee is to be re-charged to the levy account of Lots 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181 & 182 for the period 1 September 2017 to 31 August 2018. Further resolved the same lots are to be charged the same fee for the period 1 September 2018 to 31 August 2019, with this fee due and payable on 1 May 2019.

(Stan Pogorelsky & Mo Levitt left the meeting for the duration of the following item due to their vested interest in the outcome of the discussion.) Further resolved the strata manager is to review the available Owners Corporations records to determine whether there is sufficient information available to decide whether any lot owner owes to the Owners Corporation any amount for the additional gas point fee for prior years. (Note: The strata manager advises that due to a complaint lodged with the police by the owners of Lot 158, the USB containing the BCS Strata Management records was taken by the NSW Police for examination. The USB was subsequently lost by the Police. Both the Police and Waratah Strata have attempted to obtain a replacement USB from BCS, but that has not been provided. As a result of the missing USB, it will be impossible to determine the history of the gas point fee charges during BCS' management period.)

- Minutes of EC meeting on 2nd of May 2019 stated the following:

The strata manager confirms that the charges for the additional gas points for the 2018 year (which had been inadvertently deleted from owners levy accounts due to Waratah's IT Incident) and the charge for the 2019 year have been charged to all relevant levy accounts. It was also noted that the following decision was made at the strata committee meeting held on 20 July 2017: "The historical charges to lot owners for additional gas points was discussed. The strata manager advised that a thorough review of the BCS records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. Resolved that a motion is to be placed on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. (Note: In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totalling \$1,411.66, of which only \$91.66 relates to strata committee members. The committee do not believe this information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee.)" It is noted that the above motion was not included on the agenda of the following AGM, therefore the strata committee will include this motion on the agenda of the 2019 AGM.

The same meeting also listed:

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.

- Lot 158 offered free services of reputable CPA for forensic auditing of strata financials to Waratah Strata Management on 8th of June 2019, which was silently ignored by committee members and strata manager.

This email was not shared with owners by Waratah Strata Management.

- Minutes of EC meeting on 5th of September 2019 stated the following:

Additional Gas Point Charges - The strata manager advised that a detailed analysis had been carried out of Lot 181 additional gas point charges and payments made. The strata manager is satisfied that all gas charges that have been invoiced by the respective strata management companies have been paid, apart from \$18.34. A further \$110.00 of gas charges have not been invoiced by BCS Strata Management and therefore not paid by Lot 181. Resolved that a motion is to be included on the 2019 AGM agenda to allow this issue to be considered by the Owners Corporation. The motion is to recommend that as lot owners cannot be expected to pay charges that have not been invoiced to them, that many lot owners may have changed, that the number of lots that have the additional gas point may have changed and that as most other owners will not be willing or able to provide the detailed financial history of the gas charges to their lot, it is not feasible to estimate the amount owing for any unpaid gas charges and that no further action is to be taken on this issue.

- Agenda for AGM 2019 listed the following Motion:

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 & Home 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.

- Audited financial statements for SP52948 until 2017 confirm that no owner paid \$200.00 (pre-GST) or \$220.00 (post-GST) for second gas connection per year before 2016, causing losses to owners corporation funds and forcing other owners to carry out costs for private use.
- Available evidence was offered to Waratah Strata Management that shows no levies were charged for second gas connections in the following years:

1999

2000 (GS not applied from 1st of July 2000)

2001 (GST not applied)

2004

2008

2012

2013

2016

2018

- Available evidence was offered to Waratah Strata Management that shows incorrect values of levies were applied for second gas connections in lots of other years (including not charging 10% simple interest).
- Waratah Strata Management claimed that \$3,600.00 (plus GST) was earned from owners with second gas

connection in FY 2017. The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017. Waratah Strata Management refuses to provide information of which owners paid levies for second gas connection.

- In FY 2018 (financial year from 1st of September 2017 to 31st of August 2018) Waratah Strata Management claimed that \$2,537.54 (plus GST) was earned from owners with second gas connection. Waratah Strata Management refuses to provide information of which owners paid levies for second gas connection.

- Evidence of discrepancies in reporting levy income for second gas connections in 2018/2019:

- Income and Expenditure report dated 10th of October 2018 – levy income of \$2,537.54 in FY 2018.
- Income and Expenditure report dated 3rd of December 2018 – levy income of \$2,537.54 in FY 2018.
- Income and Expenditure report dated 29th of March 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 9th of April 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 12th of April 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 19th of April 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 27th of April 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 30th of April 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 3rd of May 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 10th of May 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 29th of May 2019 – levy income of \$0.00 in FY 2018.
- Income and Expenditure report dated 17th of August 2019 – levy income of \$0.00 in FY 2018.
- Balance sheet dated 31st of August 2019 lists \$0.00 revenue for levies in FY 2018.

- Evidence of discrepancies in reporting levy income for second gas connections in 2019:

- Income and Expenditure report dated 10th of October 2018 – levy income of \$0.00 in FY 2019.
- Income and Expenditure report dated 3rd of December 2018 – levy income of \$0.00 in FY 2019.
- Income and Expenditure report dated 29th of March 2019 – levy income of \$4,800.00 in FY 2019.
- Income and Expenditure report dated 9th of April 2019 – levy income of \$4,800.00 in FY 2019.
- Income and Expenditure report dated 12th of April 2019 – levy income of \$4,800.00 in FY 2019.
- Income and Expenditure report dated 19th of April 2019 – levy income of \$4,800.00 in FY 2019.
- Income and Expenditure report dated 27th of April 2019 – levy income of \$4,800.00 in FY 2019.
- Income and Expenditure report dated 30th of April 2019 – levy income of \$4,600.00 in FY 2019.
- Income and Expenditure report dated 3rd of May 2019 – levy income of \$4,800.00 in FY 2019.
- Income and Expenditure report dated 10th of May 2019 – levy income of \$4,800.00 in FY 2019.
- Income and Expenditure report dated 29th of May 2019 – levy income of \$4,724.93 in FY 2019.
- Income and Expenditure report dated 17th of August 2019 – levy income of \$4,775.34 in FY 2019.
- Income and Expenditure report dated 31st of August 2019 – levy income of \$4,775.34 in FY 2019.

- Lot 158 document search at Waratah Strata Management on 20th of September 2019 found two versions of the proposed invoice posting dated 29th of March 2019 for FY2019 levies for second gas connections totaling \$2,640.00:

Lot 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181, 182

The first document contains the following statement:

This is the additional gas point fee for the period 1 September 2018 to 31 August 2019

The second document contains the following statement:

The additional gas point fee charged for 2018 was deleted from your levy account as a result of our recent IT incident. The invoice is to reinstate that charge. You have already paid this charge, which is likely to be showing on your most recent levy notice as Prepaid Levies of \$220.00.

- In preparation for NCAT case SC 20/33352, Lot 158 sent the following request to Waratah Strata Management on 23rd of July 2020:

On 21 July 2017, letter was allegedly sent to all owners, defending actions by strata managers and committee members.

In it, three members of the committee provided personal statements refuting all Lot 158 allegations in a very blunt

manner.

You are asked to obtain formal update on this letter and statements from these owners who, we allege, were not financial and could not have been members of the committee at the time (and in many other years for some of them):

*Mrs. Lorna Zelenzuk
Mr. Stan Pogorelsky
Mr. Moses Levitt*

Strata Schemes Management Act 2015 – unfinancial owners and conflict of interest

An owner will be able to require that a motion be included on the agenda for a general meeting of an owners corporation even though the owner cannot vote because of unpaid strata contributions (Schedule 1, clause 4). Any requirement given by an owner must include an explanation of the motion of not more than 300 words in length (Schedule 1, clause 4).

An owner will be able to nominate a candidate for election to the strata committee even though the owner is unfinancial (Schedule 1, clause 5).

An unfinancial owner will not eligible for appointment or election to the strata committee (section 32).

An unfinancial owner will still not be allowed to vote at general meetings (Schedule 1, clause 23).

A member of the strata committee will not be entitled to vote on any motion put or proposed to be put to the strata committee if the member was, or was nominated as a member by a member who was, an unfinancial owner at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting (Schedule 2, clause 9).

A committee member will not be entitled to move a motion at a committee meeting unless the person is entitled to vote on the motion (Schedule 2, clause 14).

Members of a strata committee will need to disclose any pecuniary interest in a matter that is being or is about to be considered at a meeting of the committee and, unless the committee otherwise determines, must not be present for any deliberations on the matter or vote on the matter (Schedule 2, clause 18).

Strata levies must be paid even when receipt of levy notice is missing!

Each owner and/or property manager needs to be aware of their owners corporation levy cycle.

It is their explicit duty of care to act in such manner as to protect interests of all owners and investors, and in accordance with the laws.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to be provided to all owners with relevant files throughout 2018, 2019, and 2020.

Motion: Ratify the following events and confirm inequitable, excessive and unapproved water and gas reimbursements to selective townhouse owners

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- Waratah Strata Management prevented owners from voting on this Motion at AGM 2018.
- According to available audited financial statements and information presented for general meetings (files for many years are still undisclosed by BCS Strata Management and Waratah Strata Management) \$121,266.07 was paid for private water and gas reimbursements to selective townhouse owners in period 1997 to 2017 without disclosure.
- Lot 158 has the evidence of the following expenses for reimbursements to selective townhouse owners in different years:

FY 2003 paid \$4,714.98 to 15 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2004 paid \$5,959.95 to 19 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2007 paid \$6,973.47 to 16 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2008 paid \$7,510.97 to 17 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2009 paid \$6,686.64 to 18 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2010 paid \$10,636.99 to 20 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2011 paid \$6,435.25 to 14 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2012 paid \$10,831.66 to 18 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2013 paid \$13,656.27 to 18 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution until 6th of May 2019

FY 2014 paid \$12,034.47 to 18 townhouse owners for their private water and gas usage, without disclosure of improperly applied Special By-Law 13

FY 2015 paid \$12,083.36 to 17 townhouse owners for their private water and gas usage, without disclosure of improperly applied Special By-Law 13

FY 2016 paid \$11,742.06 to 14 townhouse owners for their private water and gas usage, without disclosure of improperly applied Special By-Law 13

FY 2017 paid \$5,315.57 to undisclosed number of townhouse owners, without details of how the reimbursements applied

FY 2018, paid \$8,872.84 to undisclosed number of townhouse owners for their private water and gas usage, without details of how the reimbursements applied

FY 2019, paid \$5,880.23 to 18 townhouse owners for their private water and gas usage

FY 2020, paid \$5,587.71 to undisclosed number of townhouse owners for their private water and gas usage, without details of how the reimbursements applied

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files.