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182 Requests for inspection of records of owners corporation

(1) Persons who may inspect An owner, mortgagee or covenant chargee of a lot in a strata scheme, or a person authorised by the owner, mortgagee or covenant chargee, may request the owners corporation to allow an inspection to be carried out under this section.

(2) Form of request The request must be made by written notice given to the owners corporation and be accompanied by the fee prescribed by the regulations.

(3) Items to be made available for inspection The owners corporation must make the following items available for inspection by the person who makes the request or the person's agent:

(a) the strata roll,

(b) any other records or documents required to be kept under this Part,

(c) the plans, specifications, certificates, diagrams and other documents required to be delivered to the owners corporation before its first annual general meeting by the original owner or the lessor of a leasehold strata scheme,

(d) if in its custody or under its control, the certificate of title comprising the common property or, in the case of a leasehold strata scheme, the certificate of title for the lease of the common property,

(e) any applicable 10-year capital works fund plan,

(f) the last financial statements prepared,

(g) every current policy of insurance taken out by the owners corporation and the receipt for the premium last paid for each such policy,

(h) if a strata managing agent has been appointed, a copy of the instrument of appointment,

(i) if a strata renewal plan has been given to owners for their consideration under Part 10 of the Strata Schemes Development Act 2015, a copy of the plan,

(j) any other record or document in the custody or under the control of the owners corporation,

(k) if the duties of the owners corporation under this subsection have been delegated to a strata managing agent, any other records (including records of the strata managing agent) relating to the strata scheme that are prescribed by the regulations,

(l) if a building manager agreement is in force or has been entered into but has not yet commenced, a copy of the building manager agreement,

(m) particulars of any service agreement entered into by the owners corporation,

(n) particulars of any agreement entered into with a local council for a strata parking area,

(o) if the request is made within 5 years after the end of the initial period, particulars of any orders made under section 27 and copies of any related contracts or other documents.

Maximum penalty: 5 penalty units.

(4) Meeting inspections For the purpose of complying with requirements for the giving of notice of a meeting of the owners corporation, the original owner (whether or not having ceased to be an owner) or an agent authorised in writing by the original owner is entitled to inspect the strata roll without payment on making a written application.

Type of documents that strata plan must keep

Under changes to the regulations, all records must be kept for seven years. Everything listed in Section 180 of the NSW Strata Schemes Management Act 2015:

- Strata Roll,
- Levy Register,
- Common Seal,
- S184 Strata Information Certificates,
- Minute Book (containing the minutes of all meetings held),
- Cash Books (for cash payments and cash receipts),
- Receipt Book,
- Passbook, bank deposit book,
- Annual Budget details for each strata scheme,
- Detailed Accounting Records (split into the administrative and capital works funds),
- Financial statements,
- Payment plans for unpaid levy contributions,
- Notices of recovery action for unpaid levy contributions, interest or expenses,
- Register of all notices and orders,
- Voting papers relating to motions for resolutions by the Owners Corporation,
- Voting papers relating to the election of the Strata Committee,
- Proxy forms delivered to the Owners Corporation,
- Notices of meetings of the Owners Corporation & its Strata Committee,
- Copies of correspondence received and sent by the Owners Corporation.

Strata title bodies corporate are treated as public companies under the tax law and must lodge a tax return for any year in which they derive assessable income.

There may be times when records are accidentally lost or destroyed – for example, if property is burgled or burnt.

In these instances, ATO can allow claims of a deduction for certain expenses if either of the following apply:

- One has a complete copy of a lost or destroyed document,
- ATO is satisfied that the submitter took reasonable precautions to prevent the loss or destruction and, if the document was written evidence, it is not reasonably possible to obtain a substitute document.

Documents that everybody is required to keep can be in written or electronic form. If one makes paper or electronic copies they must be a true and clear reproduction of the original.

ATO recommends that if one stores records electronically to make a backup copy to ensure the evidence is easily accessible if the original becomes inaccessible or unreadable - for example, where a hard drive is corrupted.

Everybody needs to keep evidence for payments they have received.

If strata title body corporate has made a capital gain or a capital loss from a transaction in respect of all or part of the common property, the gain or loss is not included in the tax return for the body corporate. Each proprietor or unit owner must include their share of the capital gain or loss in their own tax return based on their proportion of the lot entitlements.

Financial Year is period between 1st of September in one year and 31st of August the following year

Partial listing of strata files that Waratah Strata Management, with delegated duties of the Secretary of the Executive Committee, be made available on the day for Lot 158:

- Unredacted (unmodified) eight emails:
 - Email from Solicitor Adrian Mueller to Branch Manager Paul Banoob dated 5th of July 2012 at 04:41 pm
 - Email from Branch Manager Paul Banoob to Strata Manager Garry Webb dated 5th of July 2012 at 04:57 pm
 - Email to EC members from BCS Strata Management Garry Webb dated 6th of July 2012 at 08:32 am
 - Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson dated 6th of July 2012 at 12:48 pm
 - Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson dated 9th of July 2012 at 10:18 pm
 - Email from Solicitor Adrian Mueller to BCS Strata Management Peter Bone dated 16th of July 2012 at 6:52 pm
 - Email from BCS Strata Management Peter Bone to Solicitor Adrian Mueller dated 25th of July 2012 at 2:13 pm
 - Email from BCS Strata Management Debbie Downes to EC members dated 16th of April 2013 at 1:52 pm
- Cash Book Receipts By Receipt Date for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019
- Cash Book Payments By Account Code for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019
- Income Tax Returns for FY 2012, 2013, 2014, 2015, 2016, 2017, and 2018
- Copies of all yearly Fire Safety inspection reports for FY 2013, 2014, 2015, 2016, 2017, 2018, and 2019
- Copy of full audit of second gas connections for 218 lots, including who conducted it, the dates of gas disconnections with names of certified plumbers, and the date of the report
- Register of items excluded from common-property (examples: exclusive rights to common property given to Lot 3 and Lots 136/137, windows and frames with double-glaze glass, windows and frames with solar heating panels, air-conditioning units on the balconies, modified light fittings in garages for Lot 147 and 151, five private lattices in front of townhouses Lot 194, Lot 197, Lot 199, Lot 202, and Lot 216, pergola modifications, second gas connections, and others)
- Contact details of financial auditor for FY 2017 and 2018
- Copies of signed audits that must have been completed before AGMs in FY 2017 and 2018
- Copies of multiple quotes for hot water system in Block C costing above \$30,000.00 that Uniqueco Property Services obtained in 2017
- Copies of explicit delegation of duties of Treasurer, Secretary, and Chairperson to strata managers at BCS Strata Management and Waratah Strata Management in any period between October 2012 and 20th of September 2019
- Copies of all the correspondence with the Police in regards to USB key handed over to them by Waratah Strata Management in period March 2018 to 20th of September 2019
- Copy of the signed Deed of Release with BigAir ISP and other applicable legal documents after their eviction from the complex
- Evidence of who made decision to undercharge BigAir ISP and at which meeting
- Copies of all invoices and work completed in relation to water leak damages in the complex in period 2012 to 20th of September 2019
- Evidence that Lot 3 and Lots 136/137 comply with Special By-Laws in regards to public liability insurance for FY 2013, 2014, 2015, 2016, 2017, 2018, and 2019
- Copies of detailed AGM agenda including quorum calculations for financial owners for FY 2014, 2015, 2016, 2017 and 2018
- Invoices for all work related to painting and major repairs in 2017/2018, including work done on townhouses allegedly costing \$92,950.00

- Email from Teagan Robards at BCS Strata Management to Gary Mills and Lilia Olson with the spreadsheet of charges for Lot 181 second gas connection dated 17th of July 2015 at 12:51 pm (Subject line: "RE: S & T Pogorelsky - Gas charges paid from 1998 to 2015 - Strata Plan 52948")
- Email from Stan Pogorelsky with the spreadsheet for Lot 181 paid levies for second gas connection to Gary Mills at BCS Strata Management on 10th of June 2015 at 4:28 pm
- All invoices for second gas connection for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019
- Details of reimbursements to townhouses for private water and gas usage for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019
- ThyssenKrupp Elevator correspondence and invoices in 2015, 2016, 2017, and 2018
- ThyssenKrupp Elevator service reports for 2015, 2016, 2017, and 2018
- Evidence of tender for elevator contract renewal in 2018
- Copy of current elevator contract with Liftronics
- Details of all elevator faults and risks in period 2014 to 20th of September 2019
- Uniqueco Property Services monthly reports for FY 2016, 2017, 2018, and 2019 up to 20th of September 2019
- Evidence of electricity supply contract renewal in 2018, including details of when and who approved it
- Copy of current electricity supply contract
- Copy of current building manager contract with Uniqueco Property Service
- Copy of all SP52948 correspondence with Solicitor Adrian Mueller and Crittenden in period 2012 to 20th of September 2019
- All insurance claims in period August 2013 to 20th of September 2019
- Correspondence between EC members and strata managers at BCS Strata Management and Waratah Strata Management in period August 2013 to 20th of September 2019
- Correspondence between CHU Insurance and their lawyers and SP52948 in regards to repayments for insurance claims in 2012/2013 for alleged "Defence of Lot 3"
- Correspondence between BCS Strata Management and Waratah Strata Management in period November 2016 to 20th of September 2019 (including requests to BCS Strata Management to provide additional copies of SP52948 strata files due to lost files on USB key)
- All correspondence between Waratah Strata Management with the Police and other applicable enforcement agencies in regards to computer break-in in period 1st of February 2019 to 20th of September 2019
- All correspondence between EC members, strata managers and the Police for any other security or legal matter in period 2014 to 20th of September 2019
- Copies of recovery of funds from parties responsible for frequent damages to car entrance gate
- Copies of correspondence with owners for all By-Laws compliance issues in period October 2012 to 20th of September 2019
- If applicable, copies of all correspondence with Ryde Council and Fire and Rescue NSW in period 2014 to 20th of September 2019.

Outcome of the visit to Waratah Strata Management office on 20th of September 2019

a) This was the status of the desk prepared for document search. Of importance is to note the number of boxes (two larger boxes, two much smaller boxes, five books with minutes and notices of meetings, and one bundle without specific designator or naming standard):



On 31st of May 2019, the number of boxes made available for inspection (two larger boxes, two much smaller boxes, five books with minutes and notices of meetings, and two bundles without specific designator or naming standard):



b) Electronic documents were almost non-existent and cover only partially last 6-8 months, with some unusual exceptions like CTTT file from 2012.

c) Hard copies of strata files did not have most of files for the last seven years. Of special importance were:

- Missing all cash book receipts for financial years between 2012 and 2019,
- Missing auditor's report for FY 2017,
- Missing almost all invoices for financial years between 2012 and 2019,
- Missing most of insurance claims for financial years between 2012 and 2019,
- Missing cash book payments for all financial years between 2012 and 2019, with exception of FY 2018 and part of FY 2019 (period between 1st of September 2018 and 2nd May 2019),
- Missing most of legal correspondence for years between 2012 and 2019,
- Missing most of emails for years between 2012 and 2019,
- Missing most of documents listed in Lot 158 request sent before the document search,
- Missing current Strata Roll,
- Missing audit of items that are not common property any longer,
- Missing full audit of owners with second gas connections,

- Nine entries were found in a single cheque book and older cheque books were not found:



Date	Payee	Amount	Balance	Notes
11/02/17	Safework NSW	74.50		Lift Registration
27/1/17	City of Ryde	77.00		Repair pass for lift legal
18/01/17	City of Ryde Council	65.00		AFSS
26/01/17	Safework NSW	76.00		AFSS Registration
27/1/18	City of Ryde	66.50		Pass fees
21/3/18	First Service Scan	773.50		
26/1/18	Safe work	77.50		Lift Registration
12/1/19	City of Ryde Council	65.00		AFSS

On 31st of May 2019, eight entries were found in the cheque book for last seven years and older cheque books were not found:



Date	Payee	Amount	Balance	Notes
11/02/17	Safework NSW	74.50		Lift Registration
27/1/17	City of Ryde	77.00		Repair pass for lift legal
18/01/17	City of Ryde Council	65.00		AFSS
26/01/17	Safework NSW	76.00		AFSS Registration
27/1/18	City of Ryde	66.50		Pass fees
21/3/18	First Service Scan	773.50		
26/1/18	Safe work	77.50		Lift Registration
12/1/19	City of Ryde Council	65.00		AFSS

Outcome of electronic folders search

Screenshots were taken as evidence. The folders were mostly empty:

Agency Agreement

Single file for Waratah Strata Management Contract, Doc ID 8056 dated 23rd of March 2019 (same status as on 31st of May 2019)

AGM Reports

No files found (same status as on 31st of May 2019)

Audit Report

Single file for FY 2018, Doc ID 15772 dated 17th of May 2019 (status on 31st of May 2019)

On 20th of September 2019:

Three files, latest is Doc ID 19061 dated 18th of June 2019

Bank Reconciliation

No files found (same status as on 31st of May 2019)

Bank Statements

No files found (status on 31st of May 2019)

On 20th of September 2019:

Three files, latest is Doc ID 19523 dated 25th of June 2019

Business Activity Statements

Two files, Doc IDs 16109, 16108 (status of 31st of May 2019)

On 20th of September 2019:

Four files, latest is 19th of July 2019

By Laws

Two files, Doc IDs 11168, 9712 (same status as on 31st of May 2019)

Capital Works Forecast Reports

One file, Doc ID 31134 dated 26th of August 2019 (same status as on 31st of May 2019)

Certificate of Title

One file, Doc ID 8914 (same status as on 31st of May 2019)

Contracts

Five files for elevator registrations (first four for year 2020 and last for year 2019), Doc IDs 12 871, 12870, 12869, 12868, 11013 (same status as on 31st of May 2019)

CORRESPONDENCE

116 files, earliest file dated 25th of January 2019 with Doc ID 3786 (status on 31st of May 2019)

On 20th of September 2019:

227 files, earliest file dated 25th of January 2019 with Doc ID 3786

last is Doc ID 34655 dated 20th of September 2019 and logged incorrectly because it relates to Lot 3 water leak in strata plan SP66099)

Debt Recovery Notices

No files found (same status as on 31st of May 2019)

Essential Services

Two files for AFSS, Doc IDs 11458, 8461 (same status as on 31st of May 2019)

Health & Safety, Asbestos Reports

No files found (status on 31st of May 2019)

On 20th of September 2019:

Three files, last is DocID 29856 dated 18th of August 2019

Insurance Claims

No files found (same status as on 31st of May 2019)

Insurance Policy

One file, DocID 8657 dated 26th of March 2019 (same status as on 31st of May 2019)

Insurance Valuation, Land valuation

Single file, DocID 8658 dated 26th of March 2019 (same status as on 31st of May 2019)

Interim Reports

No files found (same status as on 31st of May 2019)

Legal Matters

No files found (status on 31st of May 2019)

On 20th of September 2019:

One file, DocID 19054 dated 18th of June 2019 for CTTT event in 2012

Levy Notices

No files found (same status as on 31st of May 2019)

Lift Contracts & Registrations

Five files for elevator registrations (first four for year 2020 and last for 2019), DocIDs 12 871, 12870, 12869, 12868, and 11013 (same status as on 31st of May 2019)

MINUTE BOOK

Six files, DocIDs 13819, 12780, 9550, 7256, 15773, 15771 (status on 31st of May 2019)

On 20th of September 2019:

50 files, last is DocID 33115 dated 11th of September 2019

Photo

No files found (same status as on 31st of May 2019)

Registered Strata Plan

Two files, last DocID 9465 dated 28th of March 019 (same status as on 31st of May 2019)

Sec 184/26 Certificates

Three files (status of 31st of May 2019)

On 20th of September 2019:

Four files, last is DocID 21951 dated 12th of July 2019

Sec 22 Notices, Change of Owner Details

93 files (status on 31st of May 2019)

On 20th of September 2019:

103 files, last is DocID 34564 dated 19th of September 2019

Tax Returns

No files found (same status as on 31st of May 2019)

Voting Form

No files found (same status as on 31st of May 2019)

Outcome of hard (paper) copies search

- Paper files were scattered for various periods, many missing. Some files had multiple copies of the same documents. The documents were very disorganised and unprofessionally managed.
- Only alleged bundles for financial years 2018 and 2017 were offered, but they failed to offer full documentation.
- Scans of over 150 pages on a personal digital scanner and around 1100 photos were taken as evidence.
- Around five hours was spent without break going through paper documents. With high degree of confidence it is concluded that the folders were mostly empty and did not have majority of requested files or files that fall into last seven year period.
- Waratah Strata Management still plans to destroy strata files even before the seven-year period expires. Under changes to the regulations, all records listed in Section 180 of the NSW Strata Schemes Management Act 2015 must be kept for seven years).

The owners corporation must cause their records to be retained for seven years, including (amongst others) minutes of meetings, financial statements and accounting records, proxies and copies of signed strata managing agent agreements or building manager agreements entered into by the owners corporation. However, this does not include voting papers under s180(1)(g) and records relating to electronic voting for motions for resolutions by an owners corporation, which must be kept for 13 months if the voting papers or records relate to secret ballots (unless the papers relate to the appointment of a strata renewal committee or other decisions in connection with Part 10 of the 2015 Development Act, in which case they must be kept for 7 years) (section 180 and clause 41).

The owners corporation must make certain items available for inspection to certain people. The list of items available for inspection is quite broad and includes records or documents required to be kept under Part 10 of the 2015 Management Act or in the custody or under the control of the owners corporation (sections 182(3)(b) and (j)). These requirements would mean that secret ballots need to be made available for inspection despite their confidential nature. Since there is no guidance on how to practically approach this issue, it may be that secret ballots are made available for inspection with any secret or sensitive information redacted.

Unredacted (unmodified) eight emails submitted in CTTT Statutory Declaration by BCS Strata Management on 19th of April 2013 and District Court in February 2014

Outcome: None of the eight files found.

Cash Book Receipts By Receipt Date for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019

Outcome: None of the eight documents covering last seven years were found.

Cash Book Payments By Account Code for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019

Outcome: Only one full financial year found in document "Detailed expenses for the financial year from 1/09/2017 to 31/08/2018" dated 16th of October 2018. There were payments for FY 2019 but covering period only up to 2nd of May 2019 ("Detailed expenses for the financial year from 1/09/2018 to 02/05/2019"). There was also an incomplete document for FY 2012 in file "Cash Book payment by Account Code 1/09/2011 to 31/07/2012".

Income Tax Returns for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019

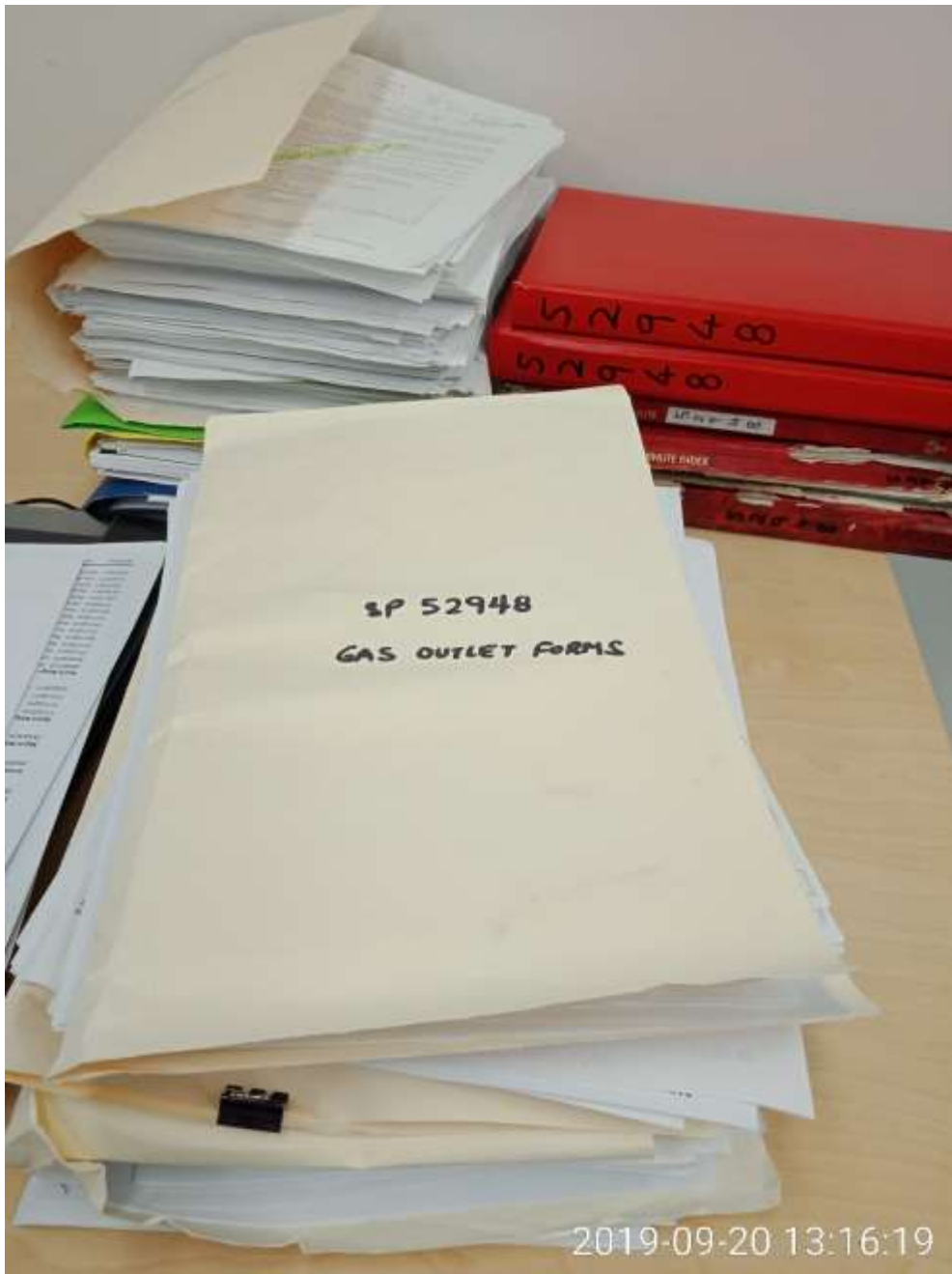
Outcome: Only few years found.

Copies of all yearly Fire Safety inspection reports for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019

Outcome: Only few files found.

Copy of full audit of second gas connections for 218 lots, including who conducted it, the dates of gas disconnections with names of certified plumbers, and the date of the report

Outcome: A new folder appeared with allegedly all strata files for second gas levies:



One document found with undated report but definitely created sometime after 30th of May 2019, which, upon checks, was confirmed not to be very complete:

SP 52948

1-15 FONTENOY ROAD, MACQUARIE PARK

GAS AND WATER CHARGES

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**.

Gas Code – 181100

Water Code – 181101

Document search on 31st of May 2019 revealed another also very incomplete version:

SP 52948

1-15 FONTENOY ROAD

MACQUARIE PARK

GAS AND WATER CHARGES

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**.

Gas Code – 181100.

Water Code – 181101

Lot 158 is the only owner who conducted thorough audit, based on the available strata data:

SP 52948 Second Gas Connections Inventory by Lot 158 based on available evidence - September 2019								
Lot No.	Voluntary self-reporting to BCS Strata Management 13 May 2014	More accurate self-reporting audit, based on Lot 158 findings in strata files	Steve Carbone alleged full audit 21 March 2016	Waramah Strata Management - Minutes EC meeting 16 March 2017	Waramah Strata Management report found in strata files 31 May 2019	BCS Strata Management belated invoice for second gas connections in FY 2012 and 2013 payable 1 August 2016	Evidence of approval for connections and or disconnections	Earliest records of commencement dates for second gas connection found so far (lot of strata files have been deliberately destroyed by strata managers and not made available to any owner)
3	No	Not found	Yes	Yes	Yes	Yes	Not found	Not found
8	No	Not found	No	Yes	Yes	No	Steve Carbone confirmed alleged disconnection on 16 April 2019	Not found
59	No	Not found	Yes	Yes	Yes	Yes	Letter 6 March 2013	Not found
62	Yes	Yes	Yes	Yes	Yes	Yes	EC meeting 26 May 1999	No commencement date provided
68	No	Not found	Yes	Yes	Yes	Yes	Not found	Not found
88	No	Not found	No	No	No	No	Letter 19 September 2013	Not found
102	No	Not found	Yes	Yes	Yes	Yes	Not found	Commencement date 2003
127	No	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May 2013
134	No	Yes	No	No	No	Yes	Not found	Not found; BCS sent invoice for FY 2012, 2013, and 2016 on 15 July 2016
144	No	Not found	Yes	Yes	No	Yes	Not found	Not found
147	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May 2001
148	No	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 13 August 2007,
154	No	Not found	No	No	No	No	Not found	Pay partial levies in 2006
162	N/A	N/A	N/A	N/A	N/A	N/A	Not found	Connected on 30 May 2019
163	No	Not found	Yes	Yes	Yes	Yes	Not found	Not found
167	No	Yes	Yes	Yes	No	Yes	EC meeting 28 August 2013	Commencement date 27 May 2014
175	No	Not found	No	No	No	No	Not found	Commencement date 2002
181	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 1999
182	No	Yes	Yes	Yes	Yes	Yes	EC meeting 26 May 1999	Commencement date 2009
192	No	Yes	No	No	No	No	Not found	Commencement date 2007
194	No	Not found	No	Yes	Yes	No	Letter 28 March 2011	Not found
198	No	Not found	No	No	Yes	No	Not found	Not found
199	No	Not found	No	Yes	Yes	No	Not found	Not found
206	No	Not found	No	Yes	Yes	No	Not found	Not found
209	No	Not found	No	Yes	No	No	Not found	Lot 209 admitted to Waramah Strata Management on 10 April 2017 they had stopped claiming reimbursement for private gas usage when a new tenant moved into the property on 25 September 2014
210	No	Not found	No	Yes	No	No	EC meetings 14 February 2001 and 2 May 2001	Not found
213	No	Not found	No	Yes	Yes	No	Not found	Second gas connection approved at EC meeting on 17 March 1998, not allowed to claim gas usage reimbursements. Not to be charged for gas levy and not allowed to claim gas usage reimbursements. Confirmed having existing second gas connection when new owners moved in on 7 February 2014

Register of items excluded from common-property and approvals for approvals granted to individual owners as per EC meeting dated 2nd of May 2001 (examples: exclusive rights to common property given to Lot 3 and Lots 136/137, windows and frames with double-glaze glass, windows and frames with solar heating panels, air-conditioning units on the balconies, modified light fittings in garages for Lot 147 and 151, five private lattices in front of townhouses Lot 194, Lot 197, Lot 199, Lot 202, and Lot 216, pergola modifications, second gas connections, and others)

Outcome: No document found.

Contact details of financial auditor for FY 2017 and 2018

Outcome: Only FY 2018 details found. The auditor allegedly completed the report on 18th of October 2018, the date when the Annual General Meeting was conducted.

Copies of signed audits that must have been completed before AGMs in FY 2017 and 2018

Outcome: Only FY 2018 details found. The auditor allegedly completed the report on 18th of October 2018, the date when the Annual General Meeting was conducted.

Copies of multiple quotes for hot water system in Block C costing above \$30,000.00 that Uniqueco Property Services obtained in 2017

Outcome: No evidence of multiple quotes found.

Copies of explicit delegation of duties of Treasurer, Secretary, and Chairperson to strata managers at BCS Strata Management and Waratah Strata Management in any period between October 2012 and 20th of September 2019

Outcome: Email delegation for FY 2019 found only. It was sent by Mr. Thomas Karolewski on 16th of March 2019 (five weeks after Waratah Strata Management alleged ransomware attack and 10 months after Waratah Strata Management alleged loss of USB key with strata files for all periods before 1st of February 2017).

Copies of all the correspondence with the Police in regards to USB key handed over to them by Waratah Strata Management in period March 2018 to 20th of September 2019

Outcome: Some files found. Difficult to ascertain if they were the only once in existence. Currently under investigation.

Copy of the signed Deed of Release with BigAir ISP and other applicable legal documents after their eviction from the complex

Outcome: Some scattered files found. BigAir made counter-offer with decreased value through bullying on 5th of June 2018. Settlement Deed signed by Waratah Strata Management on 15th of June 2018 in spite of scheduled activity to discuss it at EC meeting on 21st of June 2018.

Evidence of who made decision to undercharge BigAir ISP and at which meeting

Outcome: No files found.

Copies of all invoices and work completed in relation to water leak damages in the complex in period 2012 to 20th of September 2019

Outcome: Few old invoices found for old years. Payment details for water leak damages only found for FY 2018 and part of FY 2019.

Evidence that Lot 3 and Lots 136/137 comply with Special By-Laws in regards to public liability insurance for FY 2013, 2014, 2015, 2016, 2017, 2018, and 2019

Outcome: No files found.

Copies of detailed AGM agenda including quorum calculations for financial owners for FY 2012, 2013, 2014, 2015, 2016, 2017 and 2018

Outcome: Files found.

Invoices for all work related to painting and major repairs in 2017/2018, including work done on townhouses allegedly costing \$92,950.00

Outcome: Files found for progress of payments but no files found with details of what exact work was done on townhouses.

Email from Teagan Robards at BCS Strata Management to Gary Mills and Lilia Olson with the spreadsheet of charges for Lot 181 second gas connection dated 17th of July 2015 at 12:51 pm (Subject line: "RE: S & T Pogorelsky - Gas charges paid from 1998 to 2015 - Strata Plan 52948")

Outcome: File not found.

Email from EC member Mr. Stan Pogorelsky with the spreadsheet for Lot 181 paid levies for second gas connection to Gary Mills at BCS Strata Management on 10th of June 2015 at 4:28 pm

Outcome: File found but it is not original - contains redacted version with updates for 2018, incomplete information about levies paid, incorrect information about yearly levies, and corrector pen used to cover values for 2012 and 2013.

Stan Pogorelsky

Gas Charges paid by S & T Pogorelsky on unit 181 - SP52948

From 1999 to 2018

Date Paid	Period applicable	\$
1999	1/9/99 to 31/8/2000	Moved in 1/11/98
2000	23/08/2000	100.00
2001	1/08/2001	50.00
2002	21/07/2002	55.00
2003	31/07/2003	55.00
2004	1/11/2004	55.00
2005	1/11/2005	55.00
2006	1/11/2006	55.00
2007	1/11/2007	55.00
2008	1/11/2008	55.00
2009	26/10/2009	55.00
2010	24/10/2010	55.00
2011	7/11/2011	55.00
2012	1/9/12 to 31/8/13	Not billed by BCS
2013	1/9/13 to 31/8/14	Not billed by BCS
2014	1/08/2014	55.00
2015	1/09/2015	311.66 See below
2016	3/11/2015	55.00
	1/02/2016	55.00
	2/05/2016	55.00
	1/08/2016	18.34
	20/09/2016	36.66 Overpaid
2017	1/05/2017	220.00 Billed by Waratah

\$50+\$5GST

\$55 Credit on 1/2/11 and Debit \$55 on 2/5/11

From our AGM in November 2014 new rate is \$50+\$5 per quarter and should be billed quarterly on BCS statement to unit holders

In summary I owe you \$110.00 for 2012 and 2013. And \$18.33 x 2 = \$36.66 for Sept & Oct 2014

As well you should have billed me for gas usage in

Quarter 1/11/14 to 31/01/15	55.00
Quarter 1/02/15 to 30/04/15	55.00
Quarter 1/05/15 to 31/07/15	55.00
Quarter 1/08/15 to 31/10/15	55.00
	220.00
Less what you charged for 2014	55.00
	165.00

Paid by me

So I owe you \$110+\$36.66+\$165 = \$311.66 which will take me up to Quarter ended 31/10/15. Paid on 29/6/15

Please invoice (email to me) me for these charges so that this matter can be put to rest.

All invoices for second gas connection for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019

Outcome: Only handful of files found. Majority missing.

Details of reimbursements to townhouses for private water and gas usage for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 20th of September 2019

Outcome: Payment details for water leak damages only found for FY 2018 and few scattered quarters for previous years.

ThyssenKrupp Elevator correspondence and invoices in 2015, 2016, 2017, and 2018

Outcome: Few scattered files found.

ThyssenKrupp Elevator service reports for 2015, 2016, 2017, and 2018

Outcome: No files found.

Evidence of tender for elevator contract renewal in 2018

Outcome: Few files found.

Copy of current elevator contract with Liftronics

Outcome: Found (not available on 31st of May 2019).

Details of all elevator faults and risks in period 2014 to 20th of September 2019

Outcome: Only Thompson Elevator Audit from March 2017 found and ThyssenKrupp files from 2014.

Uniqueco Property Services monthly reports for FY 2015, 2016, 2017, 2018, and 2019 up to 20th of September 2019

Outcome: Few scattered files found. Majority of files missing.

Evidence of electricity supply contract renewal in 2018, including details of when and who approved it

Outcome: Few scattered files found. Contract signed secretly after AGM 2018.

Copy of current electricity supply contract

Outcome: File found. Signed by Waratah Strata Management on 1st of November 2018, without disclosure or information of tender to owners at Annual General Meeting on 18th of October 2018 (just two weeks earlier).

Copy of current building manager contract with Uniqueco Property Service

Outcome: Found 2017 document.

Copy of all SP52948 correspondence with Solicitor Adrian Mueller and Crittenden in period 2012 to 20th of September 2019

Outcome: Few scattered files found. Majority of files missing.

All insurance claims in period August 2013 to 20th of September 2019

Outcome: Few scattered files found. Majority of files missing.

Correspondence between EC members and strata managers at BCS Strata Management and Waratah Strata Management in period August 2013 to 20th of September 2019

Outcome: Few scattered files found. Majority of files missing.

Correspondence between CHU Insurance and their lawyers and SP52948 in regards to repayments for insurance claims in 2012/2013 for alleged "Defence of Lot 3"

Outcome: Few scattered files found.

Correspondence between BCS Strata Management and Waratah Strata Management in period November 2016 to 20th of September 2019 (including requests to BCS Strata Management to provide additional copies of SP52948 strata files due to lost files on USB key)

Outcome: Few scattered files found.

All correspondence between Waratah Strata Management with the Police and other applicable enforcement agencies in regards to computer break-in in period 1st of February 2019 to 20th of September 2019

Outcome: No files found.

All correspondence between EC members, strata managers and the Police for any other security or legal matter in period 2014 to 20th of September 2019

Outcome: Few scattered files found.

Copies of recovery of funds from parties responsible for frequent damages to car entrance gate

Outcome: Few scattered files found. Two claim from 2018 and 2019 still not found.

Copies of correspondence with owners for all By-Laws compliance issues in period October 2012 to 20th of September 2019

Outcome: One file found. It was related to warning a resident about feeding birds.

If applicable, copies of all correspondence with Ryde Council and Fire and Rescue NSW in period 2014 to 20th of September 2019

Outcome: Few scattered files found.

Current Strata Roll

Outcome: No files found. Latest version was found in email correspondence between Waratah Strata Management and Fair Trading NSW in May 2019.

Up-to-date Bank Statements

Outcome: No files found.