

27 June 2022



JS MUELLER & CO
LAWYERS

Our Ref: AM:CP:37289


MACQUARIE PARK NSW 2113

Dear Sir and Madam

**RE: THE OWNERS – STRATA PLAN NO. 52948 -V- YOU
ASSESSMENT OF COSTS – ORDERED COSTS APPLICATION – CA 2022/70683**

We continue to act for The Owners – Strata Plan No. 52948 (**Owners Corporation**).

On 26 April 2022, the costs assessor, Ms Julie Wright, determined that you are liable to pay the Owners Corporation the sum of \$23,744.72 pursuant to a costs order made by the NSW Civil & Administrative Tribunal on 6 July 2021.

We are instructed that you have written to the Owners Corporation and requested that you be allowed to pay the sum of \$23,744.72 by five quarterly instalments.

We are instructed that the Owners Corporation is prepared to allow you to pay the sum of \$23,744.72 by the following instalments:

Due date:	Amount:
1 July 2022	\$5,000.00
1 October 2022	\$5,000.00
1 January 2023	\$5,000.00
1 April 2023	\$5,000.00
1 July 2023	\$3,744.72

The Owners Corporation is prepared to allow you to pay the amount determined by the costs assessor by those instalments on the strict understanding that if you do not make an instalment payment in full on time, the Owners Corporation will be entitled to take steps to recover the full amount you owe forthwith.

The Owners Corporation is also prepared to waive any interest on the amount determined by the costs assessor provided that you make each instalment payment in full by the due date. If you do not make an instalment payment in full on time, the Owners Corporation reserves the right to claim interest on the amount determined by the costs assessor.

We are instructed that on 8 June 2022, you wrote to the strata managing agent of the Owners Corporation, made a request for specific documents to be provided to you and put forward a proposal.

We are instructed that the Owners Corporation does not intend to provide those specific documents to you because it has no obligation to do so. If you wish to inspect the records of the Owners Corporation

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to obtain specific documents, you will need to follow the procedure set forth in section 182 of the *Strata Schemes Management Act 2015* in order to do so.

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

In relation to the proposal contained in your email to the strata manager of the Owners Corporation sent on 8 June 2022, we are instructed that the proposal is not acceptable to the Owners Corporation.

However, we are informed that one aspect of your proposal was a requirement for the Owners Corporation to reimburse to its insurance company the legal costs which its insurer paid in connection with the Tribunal proceedings in which the costs order was made against you on 6 July 2021.

We are instructed that once the amount determined by the costs assessor has been paid by you to the Owners Corporation, the Owners Corporation will reimburse that amount to its insurer which is the appropriate thing for it to do.

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

Yours faithfully



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