

Subject: SUMMARY Special relationship between Mr. Pogorelsky and Waratah Strata Management

Proof that relationship between Mr. Pogorelsky and Waratah Strata Management had mutual undisclosed benefits. There is clear evidence that Waratah Strata Management literally allowed Mr. Pogorelsky to not pay gas heating levies (sadly, that was not an accidental mistake but a well-planned activity) whilst hiding such information from owners and allowing him to vote and be elected as a "reputable" committee member.

1) Whilst unfinancial in 2016 (like in all other years), Mr.Pogorelsky organised three secret meetings with BCS Strata Management and revealed to them the pricing that Waratah Strata Management put forward for their bid. The idea was to help BCS Strata Management win the contract again through shonky tender-like process.

Document "SP52948-Stan-Pogorelsky-secretly-allowed-Waratah-Strata-Management-pricing-to-be-disclosed-to-BCS-Strata-Management-4Oct2016.pdf".

2) These were Motions for strata management contract as sent in agenda for AGM 2016:

27. REAPPOINTMENT OF MANAGING AGENT:

Motion

That in accordance with section 27(1) of the *Strata Schemes Management Act 1996 (Act)* that:

- (a) BCS Strata Management Pty Ltd trading as Body Corporate Services be appointed as strata managing agent of Strata Scheme No. 52948, total cost being \$29,000.00 plus \$6,996.00 (disbursements) Total = \$35,996.00 INCL. GST ;
- (b) the Owners Corporation delegate to the Agent all of the functions of:
 - (i) the Owners Corporation (other than those listed in section 28(3) of the Act); and
 - (ii) its chairperson, treasurer, secretary and Executive Committee, necessary to enable the Agent to carry out the 'agreed services' and the 'additional services' as defined in the written agreement, a copy of which was attached to the notice of the meeting at which this resolution was passed (Agreement);
- (c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- (d) the Owners Corporation execute the Agreement to give effect to this appointment and delegation; and
- (e) authority be given for the common seal of the Owners Corporation to be affixed to the Agreement in accordance with Section 238 of the Act.

Explanatory Note

The motion above is the standard motion for the Owners Corporation to appoint BCS as the managing agent for the strata scheme. The motion includes those functions that are to be delegated to the managing agent. A copy of the proposed Management Agreement is attached.

28. APPOINTMENT OF WARATAH STRATA:

Motion

The Owners Corporation consider the appointment of Waratah Strata Management at \$21,800.00 + Disbursements \$13,300.00 = \$35,100.00 inclusive of GST.

Comments: Please note the third proposal (lowest quote of the lot) has just recently commenced business and does not have the infrastructure to manage a complex of our size and therefore has not been considered.

3) These were outcomes of voting for strata management contract at AGM 2016:

27. REAPPOINTMENT OF MANAGING AGENT:

27.1 That in accordance with section 27(1) of the Strata Schemes Management Act 1996 (Act) that:

- (a) BCS Strata Management Pty Ltd trading as Body Corporate Services be appointed as strata managing agent of Strata Scheme No. 52948, total cost being \$29,000.00 plus \$6,996.00 (disbursements) Total = \$35,996.00 INCL. GST ;
- (b) the Owners Corporation delegate to the Agent all of the functions of:
 - (i) the Owners Corporation (other than those listed in section 28(3) of the Act); and
 - (ii) its chairperson, treasurer, secretary and Executive Committee, necessary to enable the Agent to carry out the 'agreed services' and the 'additional services' as defined in the written agreement, a copy of which was attached to the notice of the meeting at which this resolution was passed (Agreement);
- (c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- (d) the Owners Corporation execute the Agreement to give effect to this appointment and delegation; and
- (e) authority be given for the common seal of the Owners Corporation to be affixed to the Agreement in accordance with Section 238 of the Act.

Explanatory Note

The motion above is the standard motion for the Owners Corporation to appoint BCS as the managing agent for the strata scheme. The motion includes those functions that are to be delegated to the managing agent. A copy of the proposed Management Agreement is attached.

DEFEATED

10 voted Yes, 50 voted No

28. APPOINTMENT OF WARATAH STRATA:

28.1 The Owners Corporation consider the appointment of Waratah Strata Management at \$21,800.00 + Disbursements \$13,300.00 = \$35,100.00 inclusive of GST.

Comments: Please note the third proposal (lowest quote of the lot) has just recently commenced business and does not have the infrastructure to manage a complex of our size and therefore has not been considered.

APPROVED

49 voted Yes, 11 voted No

CLOSURE: There being no further business, the chairperson declared the meeting closed at 10:10pm.

4) This is an extract from Waratah Strata Management contract, signed by two unfinancial owners, who raised base salary from \$21,800.00 to \$23,110.00 without ever publishing it for owners. Note that base salary was important for yearly "pay increases". Who gave right to two unfinancial owners to spend common funds without authorisation at any general meeting?

STRATA MANAGEMENT AGENCY AGREEMENT

DATE 14 DECEMBER 2016

The Owners – Strata Plan 52948

“Owners Corporation”

Attention: The Secretary

Address: 1-15 FONTENOY ROAD MACQUARIE PARK

Phone:

ABN:

Facsimile:

Email:

The Agent – WARATAH STRATA MANAGEMENT PTY LTD

Attention: The Licensee

Address: P.O. Box 125, Eastwood NSW 2122

Phone: 02 9114 9599

ABN: 75 161 033 745

Facsimile: 02 9114 9598

SCA (NSW) Membership No: 11539

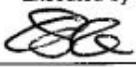
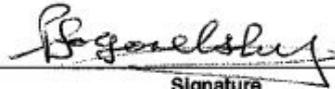
Email: enquiry@waratahstrata.com.au

Licence No: 10008316

Particulars

Item 1	Professional indemnity	Amount Insured \$2,000,000
Item 2	Commencement date	1 February 2017
Item 3	Term	14 Months
Item 4	Review date	in relation to <i>agreed services</i> – At each AGM following <i>Commencement date</i> in relation to <i>additional services rates</i> - At each AGM following <i>Commencement date</i> in relation to <i>charges</i> - At each AGM following <i>Commencement date</i>
Item 5	Percentage increase p.a	5% or as agreed at each AGM
Item 6	Agreed services fee p.a	(complete one of the below options) Option 1 – \$23,110.00 plus rebates, discounts and commissions in Disclosure Schedule C1 and C2 – Agent retains all commissions (refer to clause 3.3(a)) or Option 2 – \$ _____ plus rebates, discounts and commissions in Disclosure Schedule C2 – Agent retains some commissions (refer to clause 3.3(b)) or Option 3 – \$ _____ Agent not entitled to commissions or the fee as described in clause 3.3(c) All fees under this agreement are GST INCLUSIVE (clause 9)

STRATA MANAGEMENT AGENCY AGREEMENT

Signatures	
Owners Corporation	
The common seal of the <i>owners corporation</i> was affixed on 14 December 2016 in the presence of:	
	
Signature	Signature
STANLEY POGORELSKY	M. LEVITT.
Name	Name
CHAIRMAN.	Committee Member.
Designation	Designation
Being the person(s) authorised by section 272 of the Act to attest the affixing of the seal.	
	
Agent	
Executed by the <i>agent</i> in accordance with Section 126 or 127 of the <i>Corporations Act 2001</i> (Cth) in the presence of:	
	
Signature of Authorised Person	Signature of Authorised Person
Robert Crosbie	
Name of Authorised Person	Name of Authorised Person
Service	
The <i>owners corporation</i> acknowledges receipt of a copy of this <i>agreement</i> within 48 hours of execution by the <i>owners corporation</i> (refer to page 8 for IMPORTANT NOTES to the parties when executing this <i>agreement</i>).	
STANLEY POGORELSKY	
Name of Signatory	Signature

5) This special relationship between Mr. Pogorelsky and Waratah Strata Management continued. Example of non-compliant AGM 2019.

Document "NCAT-2024-00454780-non-compliant-AGM-and-fraudulent-contract-renewal-for-strata-management-17Oct2019.pdf".

6) AGM 2020, where tenders by Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing were simply ignored and disallowed from voting.

7) Waratah Strata Management and Mr. Stan Pogorelsky never allowed proper tender for strata Management contracts, so tenders never happened whilst Mr. Pogorelsky had full privilege not to pay full levies (including 10% simple interest per year)