

SP52948 Second Gas Connections Inventory by Lot 158 based on available evidence - October 2019

Lot No.	Voluntary self-reporting to BCS Strata Management 13May2014	More accurate self-reporting audit, based on Lot 158 findings in strata files	Steve Carbone alleged full audit 21Mar2016	Waratah Strata Management - Minutes EC meeting 16Mar2017	Waratah Strata Management report found in strata files 31May2019	Waratah Strata Management report found in strata files 20Sep2019	BCS Strata Management belated invoice for second gas connections in FY 2012 and 2013 payable 1Aug2016	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	Yes	Not found	Not found
8	No	Not found	No	Yes	Yes	No	No	Steve Carbone confirmed alleged disconnection on 16Apr2019	Not found
59	No	Not found	Yes	Yes	Yes	Yes	Yes	Letter 6Mar2013	Not found
62	Yes	Yes	Yes	Yes	Yes	Yes	Yes	EC meeting 26May1999	No commencement date provided
68	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Not found
88	No	Not found	No	No	No	No	No	Letter 19Sep2013	Not found
102	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 2003
127	No	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May2013
134	No	Yes	No	No	No	No	Yes	Not found	Not found; BCS sent invoice for FY 2012, 2013, and 2016 on 15Jul2016
144	No	Not found	Yes	Yes	No	No	Yes	Not found	Not found
147	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May2001
148	No	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 13Aug2007, disconnected on 9Sep2019
154	No	Not found	No	No	No	No	No	Not found	Paid partial levies in 2006
162	N/A	N/A	N/A	N/A	N/A	Yes	N/A	Not found	Connected on 30May2019
163	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Not found
167	No	Yes	Yes	Yes	No	No	Yes	EC meeting 28Aug2013	Commencement date 27May2014
175	No	Not found	No	No	No	No	No	Not found	Commencement date 2002
181	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 1999
182	No	Yes	Yes	Yes	Yes	Yes	Yes	EC meeting 26May1999	Commencement date 2009
192	No	Yes	No	No	No	No	No	Not found	Commencement date 2007
194	No	Not found	No	Yes	Yes	Yes	No	Letter 28Mar2011	Not found
198	No	Not found	No	No	Yes	Yes	No	Not found	Not found
199	No	Not found	No	Yes	Yes	Yes	No	Not found	Not found
206	No	Not found	No	Yes	Yes	Yes	No	Not found	Not found
209	No	Not found	No	Yes	No	No	No	Not found	Lot 209 admitted to Waratah Strata Management on 10Apr2017 they had stopped claiming reimbursements for private gas usage when a new tenant moved into the property on 25Sep2014
213	No	Not found	No	Yes	Yes	Yes	No	Not found	Second gas connection approved at EC meeting on 17Mar1998, 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 7Feb2014



Mon 21/03/2016 5:07 PM

scarbone304@optusnet.com.au

Strata Plan 52948 Gas Line Connections

To Debbie Stephenson

Dear Debbie,

We have completed the audit of the 4 blocks at Macquarie Garden and confirm the following units with gas connections:

A Block: Units 147, 148, 163, 167, 181, 182

B Block: Unit 3

C Block: Units 59, 62, 68

D Block: Units 102, 127, 144

In total 13 Units.

Regards,

Steve Carbone
Caretaker - Manager
Uniqueco Property Services

Macquarie Gardens
1-15 Fontenoy Road
NORTH RYDE NSW 2113

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WATER & GAS COST REIMBURSEMENTS

Resolved that the form to be used to allow owners to claim water and gas usage reimbursements was reviewed and the strata managers are authorised to use the amended prescribed form, in accordance with Special By-Law 13. Resolved a copy of this new claim form is to be issued to all townhouse owners for future use. Further resolved that due to the recent change of strata managers, townhouse owners will be able to claim for the last 2 quarters of previously unclaimed expenses, but only until 31 March 2017 when the normal "claim within 60 days of payment" rule will apply.

Further resolved that the Lot 213 has replaced the gas cooktop with electric, so are no longer entitled to gas usage reimbursements and are not to be charged for additional gas points.

Further resolved that the levy accounts of the following units are to be charged \$220 incl. GST on their May levy notice, being the annual charge for the additional gas point within those units:

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

- Gas Charges - The strata manager confirms that the charges for the additional gas points for the

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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.

SP52848 Minutes of EC meeting published by Waratah Strata Management on 20 June 2017

- The strata manager is to review the current gas charges to find out why they are well below budget.

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 be 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.

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

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

ADDITIONAL GAS POINT CHARGES

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

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

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