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## Strata Schemes Management Act 2015, Section 182

### 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.

SP52948 – Lot 158 request for access to strata files during PAID document search scheduled for 31<sup>st</sup> May 2019 at Waratah Strata Management office

Financial Year is period between 1<sup>st</sup> of September in one year and 31<sup>st</sup> 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 5<sup>th</sup> of July 2012 at 04:41 pm
  - Email from Branch Manager Paul Banoob to Strata Manager Garry Webb dated 5<sup>th</sup> of July 2012 at 04:57 pm
  - Email to EC members from BCS Strata Management Garry Webb dated 6<sup>th</sup> of July 2012 at 08:32 am
  - Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson dated 6<sup>th</sup> of July 2012 at 12:48 pm
  - Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson dated 9<sup>th</sup> of July 2012 at 10:18 pm
  - Email from Solicitor Adrian Mueller to BCS Strata Management Peter Bone dated 16<sup>th</sup> of July 2012 at 6:52 pm
  - Email from BCS Strata Management Peter Bone to Solicitor Adrian Mueller dated 25<sup>th</sup> of July 2012 at 2:13 pm
  - Email from BCS Strata Management Debbie Downes to EC members dated 16<sup>th</sup> 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 31 May 2019
- Cash Book Payments By Account Code for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and FY 2019 up to 31 May 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 Uniquenco 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 31<sup>st</sup> of May 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 31<sup>st</sup> May 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 31<sup>st</sup> of May 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 17<sup>th</sup> 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 10<sup>th</sup> 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 31<sup>st</sup> of May 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 31<sup>st</sup> of May 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 31<sup>st</sup> of May 2019
- Uniquenco Property Services monthly reports for FY 2016, 2017, 2018, and 2019 up to 31<sup>st</sup> of May 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 Uniquenco Property Service
- Copy of all SP52948 correspondence with Solicitor Adrian Mueller and Crittenden in period 2012 to 31<sup>st</sup> of May 2019
- All insurance claims in period August 2013 to 31<sup>st</sup> of May 2019
- Correspondence between EC members and strata managers at BCS Strata Management and Waratah Strata Management in period August 2013 to 31<sup>st</sup> of May 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 31<sup>st</sup> of May 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 1<sup>st</sup> of February 2019 to 31<sup>st</sup> of May 2019
- All correspondence between EC members, strata managers and the Police for any other security or legal matter in period 2014 to 31<sup>st</sup> of May 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 31<sup>st</sup> of May 2019
- If applicable, copies of all correspondence with Ryde Council and Fire and Rescue NSW in period 2014 to 31<sup>st</sup> of May 2019.

## Waratah Strata Management response about document search on 5<sup>th</sup> of May 2019

We write with regard to your various recent correspondence and respond as follows:

- We are happy to book a strata inspection for you on either 24 or 31 May at 9.30am. Please confirm which date you wish to book.
- As noted in the committee meeting minutes of 21/3/19 the USB provided by BCS at change of strata managers was provided to Eastwood Police to allow them to investigate the complaint you lodged with them. We have a copy of all correspondence with Detective Sergeant Steve Benson in relation to that lost USB. We also have a copy of all correspondence to BCS requesting they provide another copy. Thank you for advising that you have a copy of that USB. As a concerned owner at the property we are sure you will be willing to provide a copy of that USB for the Owners Corporations records. If yes, we ask you to bring a copy with you on 24 or 31 May. We are happy to reimburse you the cost of the USB if you wish.
- As advised in the letter that was sent to all owners in March, Waratah Strata Management's server was involved in a ransomware attack. This resulted in our server being encrypted. The hacker was also able to gain access to our cloud based backup service which was also encrypted. As a result a large portion of the owners corporations archive records are no longer available. All financial records are intact, along with all agendas & minutes, insurance records, strata plan files, etc. Much of our email correspondence is still available via Microsoft Exchange, but emails and other electronic correspondence that had previously been saved to our electronic archives are no longer available. We advise that all available records will be provided to you during your inspection, but make you aware some records are no longer available.
- The remainder of your recent correspondence has been dealt with at the committee meeting held on 2/5/19. (Copy attached).

## Waratah Strata Management reporting loss of SP52948 strata files to Lot 158 on 1<sup>st</sup> of March 2019

From Robert Crosbie <[redacted]> 

 Reply |  Forward |  Archive |  Junk |  Delete | More 

Subject **Automatic reply: FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block A additional issues on 21 February and 1 March 2019** 1/3/19, 9:03 pm

To Me 

Due to a recent computer issue we are currently having to re-enter a large volume of financial records into our database. This process is going to take approximately 2 weeks. During this period I am having to manage and assist additional staff we have brought in to speed up this process.

I may therefore be slow to respond to many emails, but will be regularly checking emails and attending to urgent matters as soon as possible. I apologise for any inconvenience that may be caused during this period.

Regards,

Robert Crosbie

# Waratah Strata Management allegedly sending letter reporting loss of SP52948 strata files to all owners on 12<sup>th</sup> of March 2019

## WARATAH Strata Management

Address: P.O. Box 125, Eastwood NSW 2122 Phone: 02 9114 9599 Fax: 02 9114 9598  
Email: enquiry@waratahstrata.com.au Web: www.waratahstrata.com.au

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12 March 2019

Strata Owners

Dear Sir/Madam,

**RE: WARATAH STRATA MANAGEMENT – IT INCIDENT**

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On 1 February, Waratah Strata Managements computers were impacted by ransomware, a type of malicious software. This resulted in access being denied to both our server and external cloud-based backup. For the first 3 weeks in February we had data recovery experts attempt to decrypt our files, which they were successful in doing, however they found that the files have been corrupted and are unreadable. We also appointed a legal firm that specialises in dealing with cyber security issues, so received the best advice and assistance that is available.

It is important to note that there is no evidence that any of the information contained in our system, including the financial and statutory Owners Corporation information such as owners details, has been accessed or taken by any third party. All indications are that the third party who deployed the ransomware only accessed the IT system to install the malicious software, but this is something that will be reviewed closely as we continue to investigate the incident. This incident has also been reported to the police via the Australian Cybercrime Online Reporting Network (ACORN).

Please be assured the owners corporation funds are completely secure – it is only our records that have been impacted.

On Friday 22 February we had our server returned to us and have since been restoring our lost data from a backup from mid-2018. We have employed additional staff and been working very long hours 7 days a week to re-enter all of the financial transactions and update the owners corporations records.

This process is now mostly complete, however as much of this data has been manually re-entered we acknowledge that there may have been mistakes made during this process. We are therefore providing the attached Owner Details Form and ask that you complete and return this form to us as soon as possible to ensure your current details are correctly recorded.

Enclosed is your notice for the levy due on 1 May. We have chosen to post this levy notice to you, even if you usually receive levy notices by email, until we are confident all owners details are correct.

Again, we ask you to carefully check the levy amount owing and if you have any concerns, we ask you to provide a copy of the original levy notices that were sent to you along with a covering letter/email to indicate the amounts of concern and proof of payment of those amounts, so we are able to investigate this for you. We will ensure that no owner incurs any additional charges as a result of errors that have occurred during the re-entering of the financial records.

We also advise that all of the data that was stored on our online portal has been lost. We will be able to restore a lot of this information, but not all of the historical records. For those owners that have been attempting to access the portal, this should now be accessible using your previously advised access details, or if new access details have been entered for your lot, a new web access letter is enclosed.

We request some understanding if we are unable to immediately take your phone calls or return emails at this time. We have over 5 weeks of work to catch up on that we have not been able to attend to until this week. We will be doing everything we can to respond to your requests for assistance as soon as possible.

We sincerely apologise for any inconvenience that has been caused by this issue.

Yours faithfully,

**WARATAH STRATA MANAGEMENT PTY LTD**

*Robert Crosbie*

Director

## Screenshots from published SP52948 Minutes of the Executive Committee Meeting allegedly held on 21<sup>st</sup> of March 2019 on notice boards by Waratah Strata Management

### 2 OFFICE BEARERS

Resolved that the strata committee appoint members to the office bearing roles of:

Chairperson - Stan Pogorelsky

Secretary - Marianna Paltikian

Treasurer - Vacant

### 3 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed.

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

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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.)

## Screenshots from published SP52948 Minutes of the Executive Committee Meeting allegedly held on 2<sup>nd</sup> of May 2019

- 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.

Waratah Strata Management, with delegated duties, had and still has obligation to apply correct levies and ensure owners corporation receives rightful income. There is no need for owners corporation to spend any money for "forensic audit of gas levies in the financials". Scaremongering owners by Waratah Strata Management.

Lot 158, in the worst case, will provide forensic auditors (reputable Certified Practising Accountants (CPA)) to SP52048 for free. Once the losses (of any kind, including the gas levies) are found, an appropriate action would be taken.

- Waratah Strata Management and EC members provided conflicting information in the Minutes of EC meetings on 21<sup>st</sup> of March 2019 and 2<sup>nd</sup> of May 2019.
- In Minutes of EC meeting on 21 March 2019 it was claimed that financials for period prior to 1 February 2017 were missing (BCS' management period):
- *"As the result of the missing USB, it will be impossible to determine the history of the gas point fee charges during BCS' management period"*
- In Minutes of EC meeting on 2<sup>nd</sup> of May 2019 and in email to Lot owner on the same day it was claimed that ALL financials were intact.
- As well, Minutes of EC meeting on 2 May 2019 said: "2018 year, which had been inadvertently deleted from owners levy account due to Waratah IT incident"... Waratah IT Incident was allegedly on 1<sup>st</sup> of February 2019. What does it have to do with applying gas levies during FY 2018 in 2018?
- These three statements by Waratah Strata Management are 100% opposite of each other.

As regulated by Fair Trading and strata act:

- Each owner and/or property manager needs to be aware of their owners corporation levy cycle.
- Regular periodic contributions to the administrative fund and sinking fund of an owners corporation are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not served on the owner.
- If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% per year (as prescribed by the regulations) from the due date until it is paid.
- Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.
- Strata manager does not have authority to waive the interest as it is not money owing to the strata manager.
- The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.
- If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

# Evidence of Waratah Strata Management website still having no SP52948 strata files on 29<sup>th</sup> of March 2019

The screenshot shows a web browser window with the URL <https://www.lookatmystrata.com.au/187035/Documents/Index>. The page features the Waratah Strata Management logo, which includes the word "WARATAH" in large blue letters, "Strata" in red, and "Management" in blue, with a red rose icon. The user is logged in, as indicated by "Logged in as [username]". A navigation menu includes "Owners Corporation", "Portfolio", "Reports", "Meetings", "Documents" (which is highlighted), and "Maintenance". Additional links for "Contact", "FAQ", "Change Password", and "Logout" are visible. The main content area, titled "Documents", displays the message "No documents to display." The Windows taskbar at the bottom shows the time as 6:32 PM on 29/03/2019, along with system icons for network, volume, and language (ENG).

# Evidence of Waratah Strata Management website still having no SP52948 strata files on 19<sup>th</sup> of April 2019

The screenshot shows a web browser window displaying the Waratah Strata Management website. The address bar shows the URL: <https://www.lookatmystrata.com.au/187035/Docume>. The page features the Waratah Strata Management logo at the top left, with the text "WARATAH Strata Management" and a red flower icon. To the right of the logo, it says "Logged in as C". Below the logo, there is a navigation menu with links for "Contact", "FAQ", "Change Password", and "Logout". A secondary menu below that includes "Owners Corporation", "Portfolio", "Reports", "Meetings", "Documents", and "Maintenance". The "Documents" tab is selected. The main content area is titled "Documents" and contains the text "No documents to display." The Windows taskbar at the bottom shows the time as 4:43 PM on 19/04/2019, along with various system icons and application icons.

# Evidence of Waratah Strata Management website still having no SP52948 strata files on 27<sup>th</sup> of April 2019

The screenshot shows a web browser window with the address bar displaying <https://www.lookatmystrata.com.au/187035/Documents/Index>. The browser's address bar includes a search field and navigation icons. The page title is "Waratah Strata Management". The main content area shows a navigation menu with options: "Owners Corporation", "Portfolio", "Reports", "Meetings", "Documents", and "Maintenance". The "Documents" section is active, displaying the text "Documents" and "No documents to display." The Windows taskbar at the bottom shows the time as 1:56 PM on 27/04/2019.

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View Favorites Tools Help

ng Cycle Home Page...

# WARATAH

Strata Management

Logged in as C...

Contact | FAQ | Change Password | Logout

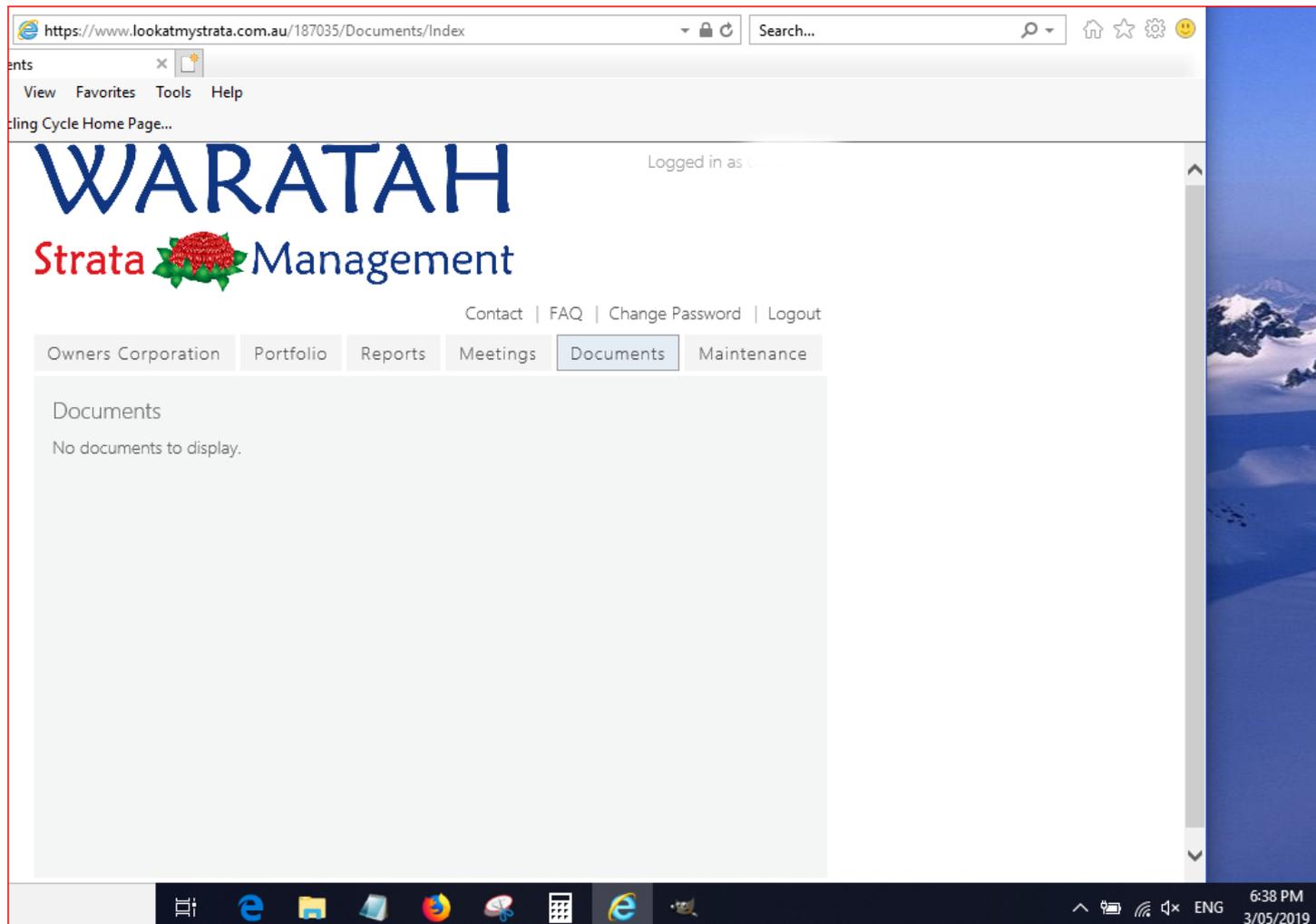
Owners Corporation | Portfolio | Reports | Meetings | Documents | Maintenance

## Documents

No documents to display.

1:56 PM  
27/04/2019

# Evidence of Waratah Strata Management website still having no SP52948 strata files on 3<sup>rd</sup> of May 2019



# Evidence of Waratah Strata Management website still having no SP52948 strata files on 10<sup>th</sup> of May 2019

The screenshot shows a web browser window with the address bar containing the URL: <https://www.lookatmystrata.com.au/187035/Documents/Index>. The browser's address bar also shows a search icon and a search input field with the text "Search...". The browser's menu bar includes "w", "Favorites", "Tools", and "Help". Below the menu bar, there is a "Cycle Home Page..." link.

The website header features the "WARATAH" logo in large blue letters, with "Strata Management" in red and blue text below it, accompanied by a red rose icon. To the right of the logo, it says "Logged in as C...".

The navigation menu includes links for "Contact", "FAQ", "Change Password", and "Logout". Below this, there are tabs for "Owners Corporation", "Portfolio", "Reports", "Meetings", "Documents", and "Maintenance". The "Documents" tab is currently selected.

The main content area is titled "Documents" and displays the message "No documents to display." in a light gray box.

The Windows taskbar at the bottom shows several application icons, including Internet Explorer, File Explorer, and Firefox. The system tray on the right indicates the time as 7:47 PM and the date as 10/05/2019.

# Evidence of Waratah Strata Management website still having no SP52948 strata files on 29<sup>th</sup> of May 2019

The screenshot shows a web browser window with the URL <https://www.lookatmystrata.com.au/187035/Documents/Index>. The page header features the "WARATAH Strata Management" logo, with "WARATAH" in large blue letters and "Strata Management" in red and blue. A navigation menu includes "Contact", "FAQ", "Change Password", and "Logout". Below this is a secondary menu with "Owners Corporation", "Portfolio", "Reports", "Meetings", "Documents" (highlighted), and "Maintenance". The main content area is titled "Documents" and displays the message "No documents to display." The Windows taskbar at the bottom shows the time as 9:34 PM on 29/05/2019.

## Extracts from Waratah Strata Management secret email to Fair Trading NSW on 20<sup>th</sup> of May 2019 (ten days before Lot 158 document search)

A copy of your letter has been forwarded to the strata committee.

Some of the SC members have expressed concern about the information provided to you being provided to Mr [redacted] specifically the Strata Roll, including the owners contact details. Mr [redacted] has for many years emailed many of the owners that he has been able to obtain email addresses for. Many of those owners and many of the rest of the owners do not wish to be contact by Mr [redacted] as he also sends them 50-100 page emails on a regular basis. The SC understand that Mr [redacted] is entitled to obtain a copy of the Strata Roll when he conducts a strata inspection, but he is not entitled to a copy of the owners contact details such as phone and email addresses and they would not want that information passed on to him as a result of the complaint he has lodged. Please confirm that none of the documents provided will be passed on to Mr [redacted].

The SC also ask to be advised of the nature of the complaint/s that have been lodged against Waratah Strata Management.

Regards,

**Robert Crosbie**

Waratah Strata Management

P.O. Box 125, Eastwood NSW 2122

## Australian Taxation Office and lost financials

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.

Lot 158 confirming 31<sup>st</sup> of May 2019 as date for document search in email to Waratah Strata Management on 9<sup>th</sup> of May 2019

Copy of the email sent to Waratah Strata Management:

At EC meeting on 2 May 2019, the two alleged EC members who had vested interest in gas levies were not publicly listed and not present during any deliberation of the strata committee with respect to the matter, as per SSMA 2015, Schedule 2, 18 Disclosure of pecuniary interests.

- *We are happy to book a strata inspection for you on either 24 or 31 May at 9.30am. Please confirm which date you wish to book.*

31 May 2019 at 09:30 hours is fine.

- *As noted in the committee meeting minutes of 21/3/19 the USB provided by BCS at change of strata managers was provided to Eastwood Police to allow them to investigate the complaint you lodged with them. We have a copy of all correspondence with Detective Sergeant Steve Benson in relation to that lost USB. We also have a copy of all correspondence to BCS requesting they provide another copy. Thank you for advising that you have a copy of that USB. As a concerned owner at the property we are sure you will be willing to provide a copy of that USB for the Owners Corporations records. If yes, we ask you to bring a copy with you on 24 or 31 May. We are happy to reimburse you the cost of the USB if you wish.*

Correspondence between the Police and BCS Strata Management will be some of many documents that Lot 158 will seek and insist on. At the end of the document search on 31 May 2019, the listing of missing strata files will be given to the strata manager or a representative of Waratah Strata Management for signoff as awareness of what was not available (or difficult to obtain) on the day. Then, those files will be requested within 10 days afterwards, as per legal rights.

**Waratah Strata Management and EC members had 12 months to report lost USB and strata files.**

**Waratah Strata Management and EC members had five months to report owners who were NOT FINANCIAL at AGM 2018 (since October 2018).**

**Waratah Strata Management and EC members failed to declare AGM 2018 invalid due to lack of quorum (Lot 158 has full details of all Lots counted as valid).**

**Waratah Strata Management and EC members had 12 months to force BCS Strata Management to provide new copies of the strata files via Fair Trading and NCAT.**

**Waratah Strata Management, with delegated duties, had and still has obligation to apply correct levies and ensure owners corporation receives rightful income. There is no need for owners corporation to spend any money for "forensic audit of gas levies in the financials". Scaremongering owners will not be tolerated or allowed.**

**Lot 158, in the worst case, will provide forensic auditors (reputable Certified Practising Accountants (CPA)) to SP52048 for free. Once the losses (of any kind, including the gas levies) are found, an appropriate action would be taken.**

As regulated by Fair Trading and strata act:

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

Regular periodic contributions to the administrative fund and sinking fund of an owners corporation are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not served on the owner.

If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% per year (as prescribed by the regulations) from the due date until it is paid.

Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.

Strata manager does not have authority to waive the interest as it is not money owing to the strata manager.

The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.

If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

**Lot 158 can provide a copy of the USB at a cost of \$250.00 dollars which includes labour.**

**Lot 158 also can provide copies of audited financials for the following years: 2003, 2004, 2007, 2008, 2009, 2011, 2012, 2013, and 2016. They are available at \$3,150.00 (fees Lot 158 paid for strata document searches in period 2011 to 2017, and labour to make USB copy).**

**Lot 158 is in the process of confirming having several other financial years. They can be made available at very reasonable cost to SP52948 if they are "lost" at Waratah Strata Management.**

- *As advised in the letter that was sent to all owners in March, Waratah Strata Management's server was involved in a ransomware attack. This resulted in our server being encrypted. The hacker was also able to gain access to our cloud based backup service which was also encrypted. As a result a large portion of the owners corporations archive records are no longer available. All financial records are intact, along with all agendas & minutes, insurance records, strata plan files, etc. Much of our email correspondence is still available via Microsoft Exchange, but emails and other electronic correspondence that had previously been saved to our electronic archives are no longer available. We advise that all available records will be provided to you during your inspection, but make you aware some records are no longer available.*

The reason for lost files is irrelevant. Strata manager is responsible for keeping strata files in good order at all times and at least for seven years. No excuses are accepted.

The alleged loss of USB and files was undisclosed from owners for 12 months and not presented at AGM 2018 too.

**Please confirm again that financials for ALL years are available upon request and if not, which years are missing. It is hoped the seriousness of this request is understood. Missing financials for any previous year is not only an issue for Fair Trading/NCAT, but Australian Taxation Office and other legal options too.**

**Waratah Strata Management and EC members provided conflicting information in the Minutes of EC meetings on 21 March 2019 and 2 May 2019.**

**In Minutes of EC meeting on 21 March 2019 it was claimed that financials for period prior to 1 February 2017 were missing (BCS' management period):**

**"As the result of the missing USB, it will be impossible to determine the history of the gas point fee charges during BCS' management period"**

**In Minutes of EC meeting on 2 May 2019 and in your email today it was claimed that ALL financials are intact.**

**As well, Minutes of EC meeting on 2 May 2019 said: "2018 year, which had been inadvertently deleted from owners levy account due to Waratah IT incident"... Waratah IT Incident was allegedly on 1 February 2019. What does it have to do with applying gas levies during FY 2018 in 2018?**

**These three statements by Waratah Strata Management are 100% opposite of each other. Please clarify.**

The attached screenshot from 11 Jan 2017 confirms Waratah Strata Management had no intention to deal with old problems, including overdue gas levies.

The attached screenshot from 29 March 2017 confirms Waratah Strata Management had no intention to deal with old problems, including overdue gas levies.

The attached document confirmed SP52948 strata records loaded into Waratah computer system on 9 February 2017.

The attached Waratah Strata Management checklist for SP52948 setup from early 2017 confirms the levy arrears were processed.

The attached extract from email sent from Waratah Strata Management to BCS Strata Management lists INCOMPLETE outstanding levies for gas connections in amount of \$1,109.23.

The attached email between Waratah Strata Management and Lots 147 and 181 (who themselves did not pay proper gas levies) on 27 April 2017 confirmed gas levies not charged prescribed fee of \$220.00 per year before 2016.

The attached screenshot from audited general debtor status by Kelly & Partners for INCOMPLETE receipts up to 31 August 2016 (FY 2016) showed that \$1,411.66 was owed for gas levies.

Some other evidence worth mentioning:

Robert-Crosbie-received-warnings-about-unresolved-SP52948-strata-issues-including-levies-for-second-gas-connections-4May2017

More Lot owners with second gas connections (Lot 158 has evidence).

Evidence of secret invoices without applying proper interest rates and fees to Lots sent by BCS Strata Management in 2015 and 2016.

And much more.

- *The remainder of your recent correspondence has been dealt with at the committee meeting held on 2/5/19. (Copy attached).*

Lot 158 deliberately did not ask for the copy of the Minutes, but thanks for it. Items of concern are still unresolved and unattended. Will deal with them separately.

As a side note, Lot 158 needs a guarantee that no intimidation, harassment, and attempts to cause fear must occur ever in the future. During 2018, three Police events were raised by Lot 158 for stalking, attempts to intimidate, and bullying by Uniquenco Property Services staff due to

Lot 158 actions to bring to justice the parties responsible for financial and strata mismanagement:

E244254697 on 26 March 2018

E69860959 on 26 October 2018

E265804296 on 14 November 2018

Not only Lot 158 is having problems. Just last week, one member of Uniqueco Property Services acted inappropriately against food delivery person on common property (found on CCTV).

## Outcome of the visit to Waratah Strata Management office on 31<sup>st</sup> of May 2019

a) Nothing was prepared at 09:30 hours and the computer desk was empty. Secretary in the office did not have any information about Lot 158 document search.

She then rushed to Mr. Robert Crosbie who quickly put boxes with paper-based documents and stated that Waratah Strata Management provided all they had available.

b) Electronic documents were almost non-existent and cover only partially last 6-8 months.

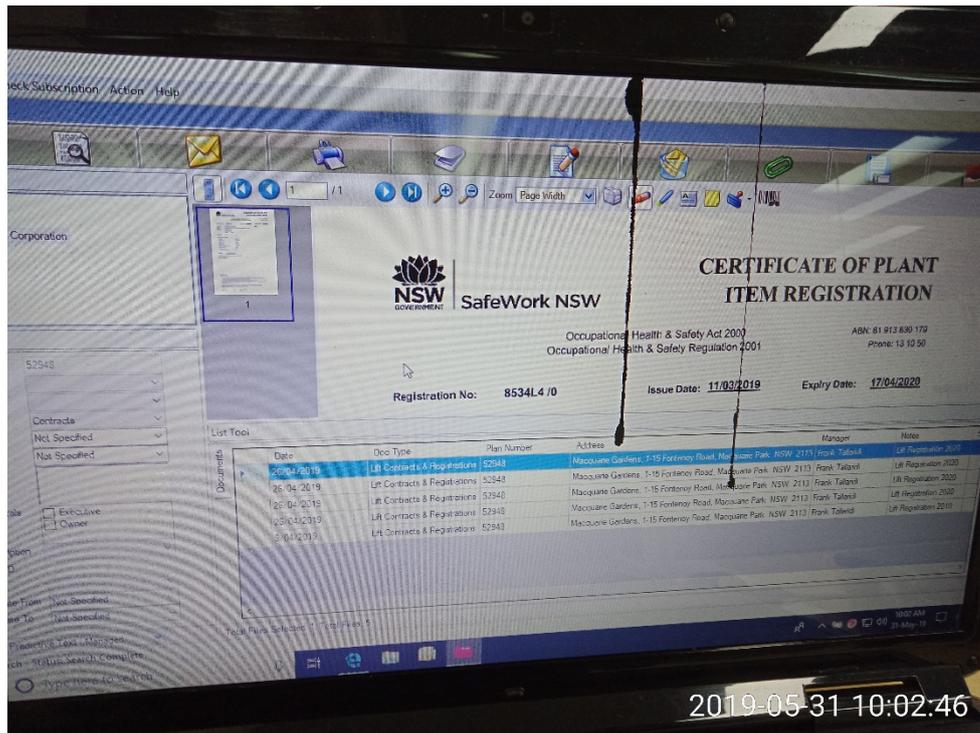
c) Hard copies of strata files did not have most of files for the last seven years. Of special importance were:

- Missing all cash book receipts for financial years between 2012 and 2019,
- Missing balance sheet updated to 31<sup>st</sup> of May 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 1<sup>st</sup> of September 2018 and 2<sup>nd</sup> 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,
- Only eight entries were found in the cheque book for last seven years and older cheque books were not found:

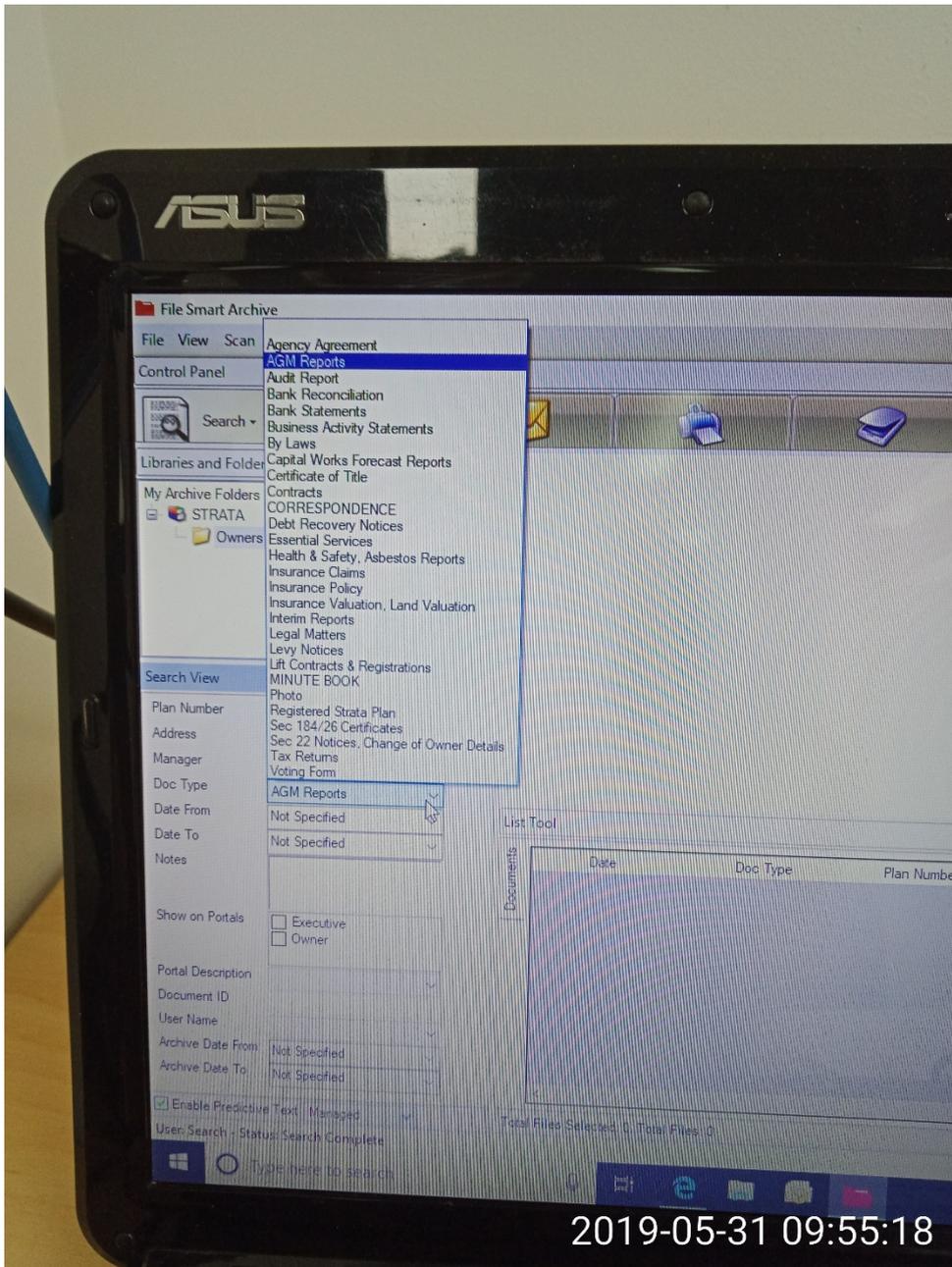


Date	Cheque No. or Transaction type	Details of Transaction	Amount withdrawn	Amount deposited	Balance	DB/CR
		Balance Forward				
14/02/17	1	Safework NSW	74.50			Lift Registration
27/3/17	2	CITY	22.00			Refund proceeds Lot 158 legal claim
30/3/17	3	City of Ryde Council	65.00			AFSS
26/02/17	4	Safework NSW	76.00			Lift Registration
27/6/18	5	city of Ryde	66.50			AFSS 2018
22/5/18	6	Trust. Services Steam	973.50			
28/2/18	7	Safe work	27.50			Lift Registration
12/4/19	8	City of Ryde Council	68.00			AFSS
		Totals				Transaction Record

d) Computer screen in Waratah Strata Management office was broken and made it very difficult to view.



- The following electronic folders were listed for SP52948:



## 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 23<sup>rd</sup> of March 2019

### **AGM Reports**

No files found

### **Audit Report**

Single file for FY 2018, Doc ID 15772 dated 17<sup>th</sup> of May 2019

### **Bank Reconciliation**

No files found

### **Bank Statements**

No files found

### **Business Activity Statements**

Two files, Doc IDs 16109, 16108

### **By Laws**

Two files, Doc IDs 11168, 9712

### **Capital Works Forecast Reports**

Not checked, Lot 58 already has the file

### **Certificate of Title**

One file, Doc ID 8914

### **Contracts**

Five files for elevator registrations (first four for year 2020 and last for year 2019), Doc IDs 12 871, 12870, 12869, 12868, 11013

### **CORRESPONDENCE**

116 files, earliest file dated 25<sup>th</sup> of January 2019 with Doc ID 3786

### **Debt Recovery Notices**

No files found

### **Essential Services**

Two files for AFSS, Doc IDs 11458, 8461

### **Health & Safety, Asbestos Reports**

No files found

### **Insurance Claims**

No files found

### **Insurance Policy**

Not reviewed, Lot 158 already has the file

### **Insurance Valuation, Land valuation**

Single file

**Interim Reports**

No files found

**Legal Matters**

No files found

**Levy Notices**

No files found

**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

**MINUTE BOOK**

Six files, Doc IDs 13819, 12780, 9550, 7256, 15773, 15771

**Photo**

No files found

**Registered Strata Plan**

Not reviewed, Lot 158 already has the files

**Sec 184/26 Certificates**

Three files

**Sec 22 Notices, Change of Owner Details**

93 files

**Tax Returns**

No files found

**Voting Form**

No files found

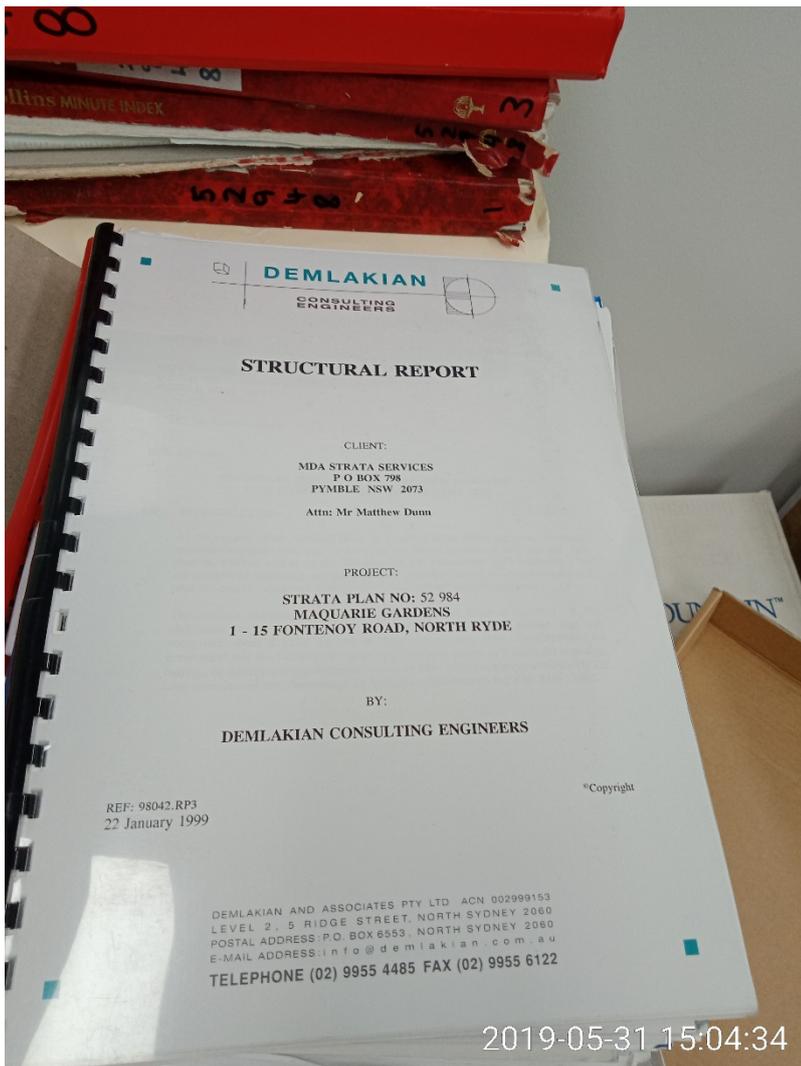
## Outcome of hard (paper) copies search

- This is how Waratah Strata Management offered SP52948 documents on 31<sup>st</sup> of May 2019:



- Paper files were scattered for various periods, many missing. Some of the files had multiple copies of the same documents.
- Only alleged bundles for financial years 2018 and 2017 were offered, but they failed to offer full documentation.

- Completely useless: one box contained number of strata files (mostly professional reports) dated 1999 and 2000 (eighteen years old). Examples of reports that were never provided to owners:



David@me.com.au

Our Ref: 806904-LO-1-DIS/ser  
Contact: David Smee  
21 March, 2000



Raine & Horne Strata - Sydney  
PO Box 881  
EPPING NSW 2121

Attention: Mr John Fry

Dear Sir,

Re: 1-15 Fontenoy Road, North Ryde

1. INTRODUCTION

At your request an inspection was carried out at the above property on 21 December, 1999 by David Smee of this firm accompanied by John Fry of Raine & Horne Strata.

The inspection involved 4 units in 3 blocks:

- Unit 53 and the common wall with Unit 52 in Block C
- Unit 16 in Block B
- Unit 150 in Block A

and a view of the garage area under the units, more particularly the area under Unit 150.

2. OBSERVATIONS

2.1 Unit 150 - Block A

This unit exhibited significant cracking in the entry with a vertical crack on one wall (approximately 3 mm) and cornice cracking and separation (including longitudinal displacement in relation to the wall) on the other wall approximately 1 1/2 to 2 mm in width.

A crack in the laundry of the order of 2 mm was also observed where the wall abutted column.

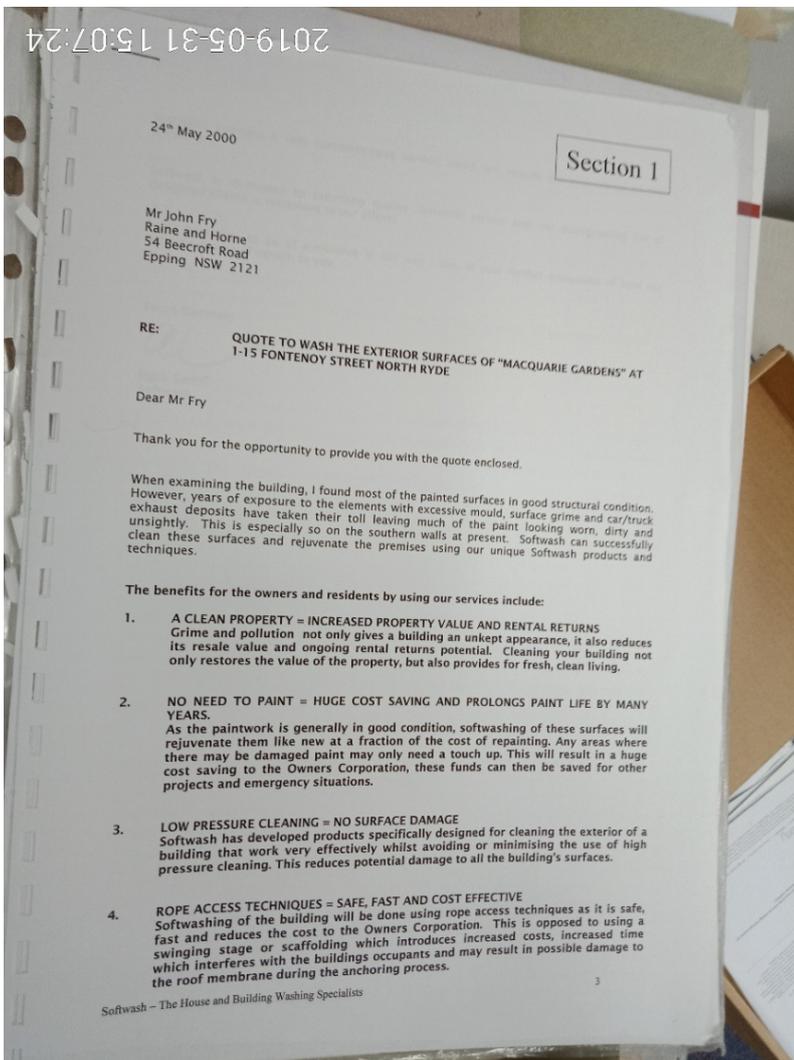
A number of other cracks were observed generally of the order of 1 mm and less, and are listed below:

Cardno MBK (NSW) Pty Ltd  
ACN 091 145 025  
L1, 17/12 Tyron Road  
Lindfield NSW 2070  
Australia  
Telephone: 02 9416 8233  
Facsimile: 02 9416 8229  
International: +61 2 9416 8233  
Email: mlfry@mbk.com.au

Offices:  
Brisbane 07 3359 9622  
Sydney 02 9416 8233  
Gold Coast 07 5539 9333  
Sunshine Coast 07 5443 2955  
Townsville 07 4772 1166  
Harvey Bay 07 4124 5455  
Bundaberg 07 4151 1211  
Central Coast 02 4333 2558  
Port Moresby 675 325 2322  
Philippines 852 910 5146  
Indonesia 02 21 831 0361

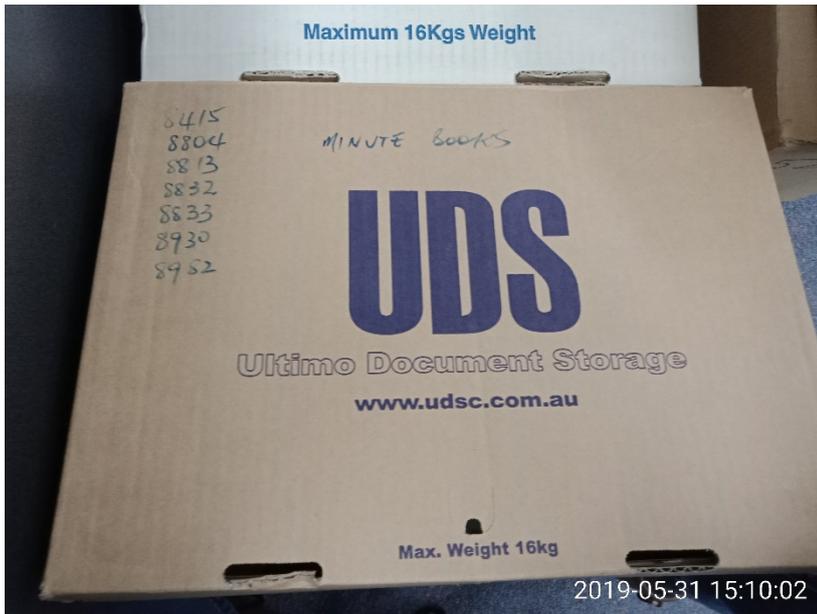


2019-05-31 15:04:54



- Scans of over 300 pages on a personal digital scanner and around 330 photos were taken as evidence.
- Five and a half 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.
- At one stage, desktop computer locked up and the staff at Waratah Strata Management needed around 10 minutes to reboot it.

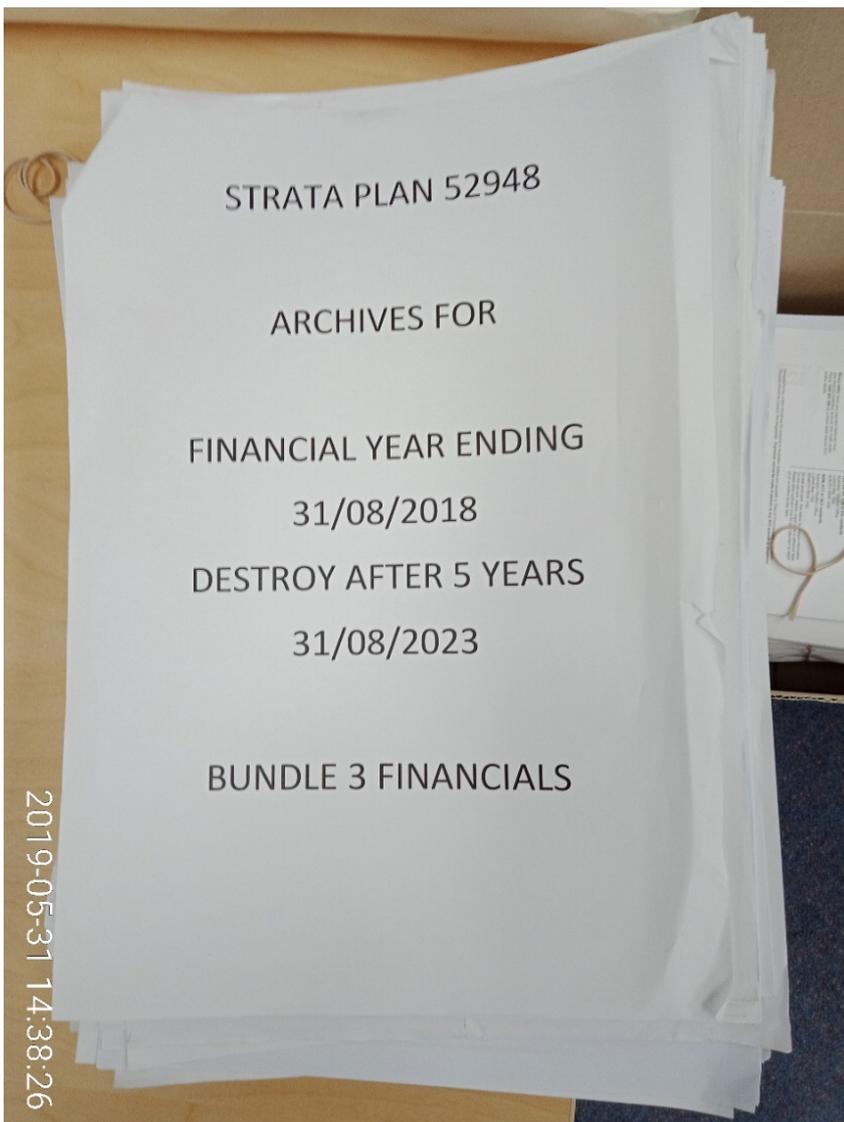
- One large box contained only minutes of various meetings:



- Waratah Strata Management plans to destroy strata files even before the seven-year period expires. Here is an example for FY 2017 and 2018 where the files are meant to be destroyed in 2022/2023 instead of 2024/2025 (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.



STRATA PLAN 52948

ARCHIVES FOR  
FINANCIAL YEAR ENDING  
31/08/2017

Correspondence

And previous SM records

DESTROY AFTER 5 YEARS

31/08/2022

2019-05-31 11:53:2

STRATA PLAN 52948

INSURANCE VALUATION

ARCHIVES FOR

FINANCIAL YEAR ENDING

31/03/2018

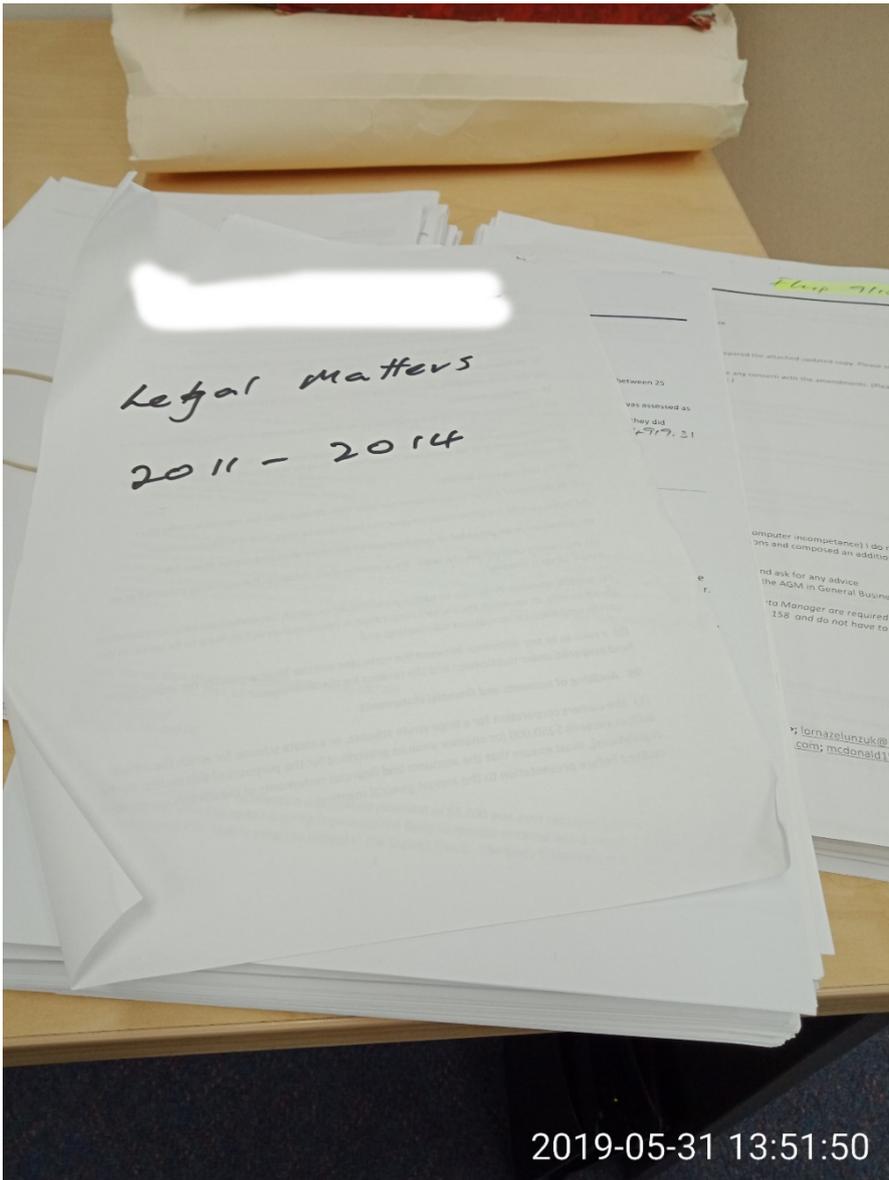
DESTROY AFTER 5 YEARS

31/08/2023

BUNDLE 2

2019-05-31 14:11:04

- There was a special bundle with "Lot 158 Legal Matters 2011-2014". Many files were missing:



**Unredacted (unmodified) eight emails submitted in CTTT Statutory Declaration by BCS Strata Management on 19<sup>th</sup> 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 31 May 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 31 May 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 16<sup>th</sup> of October 2018. There were payments for FY 2019 but covering period only up to 2<sup>nd</sup> 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, and 2018**

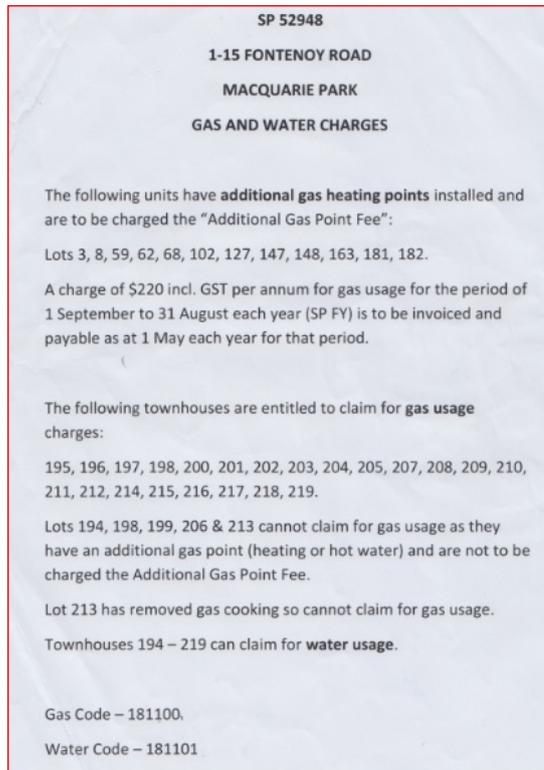
Outcome: Only two years found.

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

Outcome: Only two years 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: One document found with undated report, which, upon checks, was confirmed not to be complete:**



Hand-written note about second gas connection levies prepared in January 2019:

Gas Charges Charged

1/9/13 - 31/8/14	\$55 pa	SC
1/9/14 - 31/8/15	\$55 pa	Feb
1/9/15 - 31/8/16	Nil	2019

Decision made at 27/11/12  
for charge to be \$220 pa.

SC to resolve due to  
loss of forensic audit,  
owners may have sold, not  
to back charge <sup>2014/15</sup> a to deem  
all owners paid up to date  
lowered charges from WSM  
from 1/9/15. Need to back  
charge 2016 as not charged  
by ECG.

**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)**

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 18<sup>th</sup> 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 18<sup>th</sup> 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 31<sup>st</sup> of May 2019**

Outcome: Email delegation for FY 2019 found only.

**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 31<sup>st</sup> May 2019**

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

**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 5<sup>th</sup> of June 2018. Settlement Deed signed by Waratah Strata Management on 15<sup>th</sup> of June 2018 in spite of scheduled activity to discuss it at EC meeting on 21<sup>st</sup> 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 31<sup>st</sup> of May 2019**

Outcome: No invoices found for any year. Payment details for water leak damages only found for FY 2018 and few scattered quarters for previous years.

**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 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 17<sup>th</sup> 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 Stan Pogorelsky with the spreadsheet for Lot 181 paid levies for second gas connection to Gary Mills at BCS Strata Management on 10<sup>th</sup> of June 2015 at 4:28 pm**

Outcome: File found but it is a forged version, which 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	1/9/2000 to 31/8/01
2001	1/08/2001	50.00	1/9/01 to 31/8/02
2002	21/07/2002	55.00	1/9/02 to 31/8/03
2003	31/07/2003	55.00	1/9/03 to 31/8/04
2004	1/11/2004	55.00	1/9/04 to 31/8/05
2005	1/11/2005	55.00	1/9/05 to 31/8/06
2006	1/11/2006	55.00	1/9/06 to 31/8/07
2007	1/11/2007	55.00	1/9/07 to 31/8/08
2008	1/11/2008	55.00	1/9/08 to 31/8/09
2009	26/10/2009	55.00	1/9/09 to 31/8/10
2010	24/10/2010	55.00	1/9/10 to 31/8/11
2011	7/11/2011	55.00	1/9/11 to 31/8/12
2012			Not billed by BCS
2013			Not billed by BCS
2014	1/08/2014	55.00	1/9/14 to 31/8/15
2015	1/09/2015	311.66	1/9/15 to 31/10/15
2016	3/11/2015	55.00	1/11/15 to 31/1/16
	1/02/2016	55.00	1/2/16 to 30/04/16
	2/05/2016	55.00	1/5/16 to 31/7/16
	1/08/2016	18.34	1/8/16 to 31/8/16
	20/09/2016	36.66	1/9/16 to 31/10/16
2017	1/05/2017	220.00	1/9/16 to 31/8/17

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 31<sup>st</sup> of May 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 31<sup>st</sup> of May 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: No files found. Some other files about Liftronics found, for example Letter of Acceptance dated 9<sup>th</sup> of May 2019, which states that upgrades of lifts 2 and 3 will start on 15<sup>th</sup> of July 2019, lift 3 will be completed on 23<sup>rd</sup> of September 2019 and lift 2 on 30<sup>th</sup> of September 2019.

## **Details of all elevator faults and risks in period 2014 to 31<sup>st</sup> of May 2019**

Outcome: Only Thompson Elevator Audit from March 2017 found. This report was never shared with owners.

## **Uniquenco Property Services monthly reports for FY 2016, 2017, 2018, and 2019 up to 31<sup>st</sup> of May 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 1<sup>st</sup> of November 2018, without disclosure or information of tender to owners at Annual General Meeting on 18<sup>th</sup> of October 2018 (just two weeks earlier).

## **Copy of current building manager contract with Uniquenco Property Service**

Outcome: Only the original contract from 2014 found.

## **Copy of all SP52948 correspondence with Solicitor Adrian Mueller and Crittenden in period 2012 to 31<sup>st</sup> of May 2019**

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

**All insurance claims in period August 2013 to 31<sup>st</sup> of May 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 31<sup>st</sup> of May 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 31<sup>st</sup> of May 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 1<sup>st</sup> of February 2019 to 31<sup>st</sup> of May 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 31<sup>st</sup> of May 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. One current claim against a resident still outstanding.

**Copies of correspondence with owners for all By-Laws compliance issues in period October 2012 to 31<sup>st</sup> of May 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 31<sup>st</sup> of May 2019.**

Outcome: Few scattered files found.

**Current Strata Roll**

Outcome: No files found.

## Current Bank Statements

Outcome: No files found.