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All evidence provided and ignored by CTTT and NCAT as of July 2021

Evidence was also provided on USB keys, DVD, emails, and in paper format:

The evidence also includes Lot 158 Motions at various general meetings, which were, mostly, not included in agenda for meetings or allowed to be discussed for voting due to proxy vote hoarding:

Strata levies must be paid even when receipt of levy notice is missing

As regulated by Fair Trading:

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

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.

Strata Schemes Management Act 1996 – Section 78 manner of levying contributions

(3) If, at the time a person becomes owner of a lot, another person is liable in respect of the lot to pay a contribution, the owner is jointly and severally liable with the other person for the payment of the contribution and interest on the contribution.

(4) A mortgagee or covenant chargee in possession of a lot (whether in person or not) is jointly and severally liable with the owner of the lot:

(a) for any regular periodic contributions to the administrative fund or sinking fund together with any interest on those contributions,

and

(b) for any other contribution together with interest on that contribution if the mortgagee or covenant chargee has been given written notice of the levy of the contribution.

(5) Subsection (4) does not affect the liability of an owner of a lot for any contribution levied under this section.

(6) 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.

Strata Schemes Management Act 1996 – Section 79 interest and discounts on contributions

- (1) Any contribution levied by an owners corporation becomes due and payable to the owners corporation in accordance with the decision of the owners corporation to make the levy.
- (2) A contribution, if not paid at the end of one month after it becomes due and payable, bears until paid simple interest at an annual rate of 10 per cent or, if the regulations provide for another rate, that other rate.
- (3) However, an owners corporation may by special resolution determine (either generally or in a particular case) that a contribution is to bear no interest.
- (4) An owners corporation may, by special resolution, determine (either generally or in a particular case) that a person may pay 10 per cent less of a contribution levied if the person pays the contribution before the date on which it becomes due and payable.

Strata Schemes Management Act 1996 – Part 2 Section 10 persons entitled to vote at general meetings

(8) Voting rights may not be exercised if contributions not paid

A vote at a general meeting (other than a vote on a motion requiring a unanimous resolution) by an owner of a lot or a person with a priority vote in respect of the lot does not count unless payment has been made before the meeting of all contributions levied on the owner, and any other amounts recoverable from the owner, in relation to the lot that are owing at the date of the notice for the meeting.

Consumer, Trader, and Tenancy Act 2001, Section 71 false or misleading statements

71 False or misleading statements

A person must not:

- (a) in any proceedings, or
- (b) in any application under this Act,

provide any information, or make any statement, to the Tribunal, Chairperson or Registrar knowing that the information or statement is false or misleading in a material respect.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

Strata Schemes Management Act 1996, Section 167 investigations by adjudicator

167 Investigations by Adjudicator

(5) A person must not obstruct or hinder an Adjudicator, or a delegate of an Adjudicator, in the exercise of powers conferred by this section.

Maximum penalty (subsection (5)): 5 penalty units.

Strata Schemes Management Act 2015 Section 260 personal liability

Waratah Strata Management, in spite of documented attempts to reason with them, allowed Executive Committee members who had direct interest in second gas connection levies to be present at committee meetings and vote, on non-compliance with:

Strata Schemes Management Act 2015 Section 260 Personal liability

(1) A matter or thing done or omitted to be done by any of the following persons, or a person acting under the direction of any of those persons, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing functions as such a person under this or any other Act, subject any of the following persons or person so acting personally to any action, liability, claim or demand:

- (a) an officer of an owners corporation,
- (b) a member of a strata committee.

(2) Any such liability of an officer of an owners corporation or a member of a strata committee attaches instead to the owners corporation.

Strata Schemes Management Act 2015 Schedule 2 Clause 18 disclosure of pecuniary interest

(1) If:

(a) a member of a strata committee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting, and

(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the strata committee.

Maximum penalty: 10 penalty units.

(2) A disclosure by a member at a meeting of the strata committee that the member:

(a) is a member, or is in the employment, of a specified corporation or other body, or

(b) is a partner, or is in the employment, of a specified person, or

(c) has some other specified interest relating to a specified corporation or other body or to a specified person, is a sufficient disclosure of the nature of the interest in any matter relating to that corporation or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the strata committee in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the strata committee.

(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the strata committee otherwise determines:

(a) be present during any deliberation of the strata committee with respect to the matter, or

(b) take part in any decision of the strata committee with respect to the matter.

(5) For the purposes of the making of a determination by the strata committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

(a) be present during any deliberation of the strata committee for the purpose of making the determination, or

(b) take part in the making by the strata committee of the determination.

(6) A contravention of this clause does not invalidate any decision of the strata committee.

(7) Without limiting subclause (1), a person has an indirect pecuniary interest in a matter if a person connected with the person has a direct interest in the matter.

Strata Schemes Management Act 2015 – unfinancial owners and conflict of interest

An owner will be able to require that a motion be included on the agenda for a general meeting of an owners corporation even though the owner cannot vote because of unpaid strata contributions (Schedule 1, clause 4). Any requirement given by an owner must include an explanation of the motion of not more than 300 words in length (Schedule 1, clause 4).

An owner will be able to nominate a candidate for election to the strata committee even though the owner is unfinancial (Schedule 1, clause 5).

An unfinancial owner will not be eligible for appointment or election to the strata committee (section 32).

An unfinancial owner will still not be allowed to vote at general meetings (Schedule 1, clause 23).

A member of the strata committee will not be entitled to vote on any motion put or proposed to be put to the strata committee if the member was, or was nominated as a member by a member who was, an unfinancial owner at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting (Schedule 2, clause 9).

A committee member will not be entitled to move a motion at a committee meeting unless the person is entitled to vote on the motion (Schedule 2, clause 14).

Members of a strata committee will need to disclose any pecuniary interest in a matter that is being or is about to be considered at a meeting of the committee and, unless the committee otherwise determines, must not be present for any deliberations on the matter or vote on the matter (Schedule 2, clause 18).

Mr. Stan Pogorelsky (Lot 181) confirmed to Waratah Strata Management on 27th of April 2017 that the first time owners were charged \$220.00 per annum for gas heating was in 2016

From: Stan Pogorelsky
Sent: 27-Apr-17 4:03:35 PM
To: Robert Crosbie, Mo Levitt
Subject: FW: SP 52948 - Gas Charges
Attachments: Financial Status Report_20170201091851.pdf, 160606 Gas invoice.pdf,

Hi Robert,

That status report was from last year's charges. The first time that we charged the \$220.00 per annum.

I suppose it should be followed up.....

I have a feeling that we may have difficulty from some of them.....

BR,

Stan.

From: Mo Levitt [<mailto:zellel@iprimus.com.au>]
Sent: Thursday, April 27, 2017 3:53 PM
To: Robert Crosbie; Stan Pogorelsky
Subject: FW: SP 52948 - Gas Charges

Robert

Thanks for the information provided

Stan will you please comment that the outstanding amounts should/must be recovered from the owners per the status report above.

BCS did bill the gas usage under a separate account reference and I attach an invoice from them which may be of assistance to locate gas connection payments for other owners.

Regards

Mo

Lot 181 submission to CTTT in SCS 11/00711 on 20th of February 2011

20/02/2011

FAX: 1300 135 247

The Registrar
GPO BOX 4005
SYDNEY NSW 2001

File Number: SCS 11/00711

To Whom It May Concern:

We refer to the recent complaint made by Mr [REDACTED] against the Executive Committee of SP 52948 (1-15 Fernienoy Road, Macquarie Park NSW 2113).

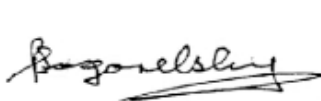
We have lived at this complex for more than 12 years and have always felt that all relevant subject matter has been dealt with properly at Executive Committee Meetings and General Meetings and all relevant votes have been properly carried by substantial majorities. The Strata Plan managing agent has at all times acted in accordance with his contract and been reappointed by the committee with the support of the owners at large without any adverse votes at all.

The chairman and members of the Executive Committee (with the exception of [REDACTED] have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest. In addition we have always felt we could (and have on many occasions) approach any member of the committee at any time with questions and have them answered in an upfront manner. In the years we have lived here, we have seen the complex improve substantially. We are grateful for the committee's strong financial management, which has lead to stable strata levies, an absence of special levies, as well as a significant sinking fund balance (always in surplus). This Committee is made up of unit owners who have served this complex honestly and with loyalty for many years with the total support from most of the owners of units and townhouses.

We believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.

We absolutely disagree that any order needs to be made by the tribunal other than requesting Mr Baljevic to accept the will of the majority of his fellow owners.

Sincerely,

 J. L. Pogorelsky

Stan & Tessa Pogorelsky - Lot Owner of 181

21 FEB 2011

CONSUMER, TRADER &
TENANCY TRIBUNAL
SYDNEY
RSU

File No: 11/211

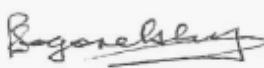
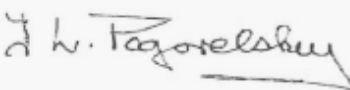
Team No: 605

Issue: SUBS

Hrg Date: _____

Location: SCS 11/00711
1/311

Lot 181 submission to CTTT in SCS 12/05845 on 10th of March 2012

10/03/2012	CONSUMER, TRADER & TENANCY TRIBUNAL SYDNEY
FAX: 1300 135 247	File No: <u>12/05845</u>
The Registrar GPO BOX 4005 SYDNEY NSW 2001	Team No: <u>CMT</u>
File Number: SCS 12/05845	Issue: _____
To Whom It May Concern:	Hrg Date: _____
We refer to the recent complaint made by [REDACTED] against the Executive Committee of SP 52948 (1-15 Fontenoy Road, Macquarie Park NSW 2113).	Location: <u>STRATA SURS PARK</u>
We have lived at this complex for more than 13 years and have always felt that all relevant subject matter has been dealt with properly at Executive Committee Meetings and General Meetings and all relevant votes have been properly carried by substantial majorities. The Strata Plan managing agent has at all times acted in accordance with his contract and been appointed by the committee with the support of the owners at large without any adverse votes at all.	QUE 13-3-12
The chairman and members of the Executive Committee have at all times conducted themselves appropriately in an open and honest manner, and we have not come across any conflict of interest. In addition we have always felt we could (and have on many occasions) approach any member of the committee at any time with questions and have them answered in an upfront manner. In the years we have lived here, we have seen the complex improve substantially. We are grateful for the committee's strong financial management, which has led to stable strata levies, an absence of special levies, as well as a significant sinking fund balance (always in surplus). This Committee is made up of unit owners who have served this complex honestly and with loyalty for many years with the total support from most of the owners of units and townhouses.	
We believe that the commercial acumen of the committee, chairman and managing agent have served us extremely well.	
We absolutely disagree that any order needs to be made by the tribunal other than requesting [REDACTED] to accept the will of the majority of his fellow owners and stop his obsessive communications.	
Sincerely,	
	

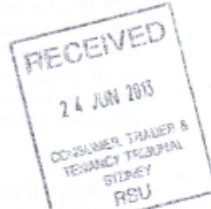
Joint EC Declaration to CTTT in File 12/50460 on 24th of June 2013

Macquarie Gardens - Owners Corporation SP52948

C/o Raine & Horne Strata – Sydney, Level 2, 51 Rawson Street Epping NSW 2121
T: (02) 9868 2999 F: (02) 8216 0331 Attention: Peter Bone E: PeterB@bcms.com.au

24th June 2013

The Registrar
Consumer, Trader & Tenancy Tribunal ("CTTT")
Level 12, 175 Castlereagh Street,
SYDNEY NSW 2001
By Email to sydney@cttt.nsw.gov.au



Dear Sir,

Re: File Number SCS 12/50460
Application to the Tribunal, 1-15 Fontenoy Road, Macquarie Park, NSW, 2113
Applicant [REDACTED], Respondent Owners Corporation SP52948 ("OC")

This letter has been approved by the Executive Committee ("EC") of the OC.

- 33) The OC therefore submits that [REDACTED] is not in a position to judge whether or not the MA is to be ordered to do anything. The EC is not aware of any complaints about the MA from owners other than from [REDACTED] that have not been resolved. In recent years, complaints received by the EC are often caused by the misinformation and incorrect interpretation of facts circulated by [REDACTED] to the detriment of the entire OC.
- 34) [REDACTED] is a prolific writer of emails to the MA and EC often ascribed in language that is threatening and insulting, and in many cases is most likely defamatory. The MA is deluged with correspondence from [REDACTED] with claims of "fraud", "theft", "deceit" and "illegal" activities. The sheer volume alone requires much of it to be ignored if any real management is to be done. [REDACTED] has been warned by formal legal letter that he risks proceedings for defamation from a number of the persons named in his correspondence if he does not withdraw his unsubstantiated claims.
- 35) In closing the OC contend that the overall balance of services and cost, the general good repair of the common property and the healthy balance sheet provide the best evidence of the absence of any form of mismanagement by the MA and there is complete agreement by MA and all members of the current EC that no maladministration or anything vaguely illegal has occurred.
- 36) [REDACTED] has submitted many motions covering virtually all of the matters raised in his application for inclusion in the next AGM. Owners who have already voted on these matters will have a further chance to do so at that time. Based on the current length of time needed to find a hearing date convenient for CTTT and the parties it seems unlikely that any decision reached would have any effect before the AGM date in any case.
- 37) The OC is at a loss as to how it can be represented effectively at any hearing as no member of the OC can agree to any of the applications on their own and could only take them back to a general meeting for resolution. As stated at the outset of this submission no individual owner or EC member has the authority to change matters agreed in general meeting and they cannot agree to orders against an individual lot owner. In this case as [REDACTED] latest application seeks orders against the MA (and the OC does not agree with the need for any orders) the OC cannot ask the MA to represent them due to the potential conflict of interest on the request for orders against the MA.
- 38) The OC submits that [REDACTED] applications should be summarily dismissed without a hearing (and the related costs) and the owners continue to manage their own affairs at the forthcoming general meeting.

Yours faithfully,

On behalf of the Owners Corporation SP52948

All Respondent's submissions in 2011, 2012, and 2013 are provided herewith:

SP52948 Minutes of EC meeting held on 26th of May 1999 – first time levies for gas heating publicly mentioned and two owners receiving approval to install it – Mr. Stan Pogorelsky (Lot 181) and Mr. Upali Aranwela (Lot 62) who later became long-serving committee members and even acted as Chairperson and Treasurer respectively

The meeting was attended by five members of the committee, one proxy authorisation, and strata manager Mr. John Fry. No other of 218 owners of properties attended.

Two owners, who later became long-term committee members and acted as Chairperson and Treasurer (Mr. Stan Pogorelsky (Lot 18) and Mr. Upali Aranwela (Lot 62)), received approval to install gas heating with proposal to introduce levies for such connections:

CORRESPONDENCE

To consider any items of correspondence submitted to the Executive Committee.

The following matters were considered:

(A) TILING - UNIT 55

A request was presented from the unit owner regarding the installation of tiles or wood flooring in the unit instead of carpet.

The Executive Committee was concerned that such approval would be contrary to By-Law 14 - Floor Coverings therefore the Executive Committee could not approve this request.

(B) GAS HEATING - UNIT 181

Application was examined for the owner to install a gas heater within the unit.

Such installation will incur additional costs on the Owners Corporation for the increased gas usage.

Enquiries are to be made with AGL in connection with the capacity of the existing system/pipework to enable a number of residents to install gas heaters and also options available regarding the metering of such usage.

A suggestion made which requires further discussion is that a once a year charge be levied on unit owners who install gas heaters to cover extra costs incurred by the Strata Scheme.

A similar application has been received from the owner of unit 62.

Full unredacted copy of the minutes of the meeting:

SP52948 Minutes of EC meeting held on 21th of July 1999 – first time levies for gas heating publicly mentioned - gas heating confirmed at \$200.00 per year

13. Gas heating in units

Resolved that written advice be obtained from the contractor that did the original gas installation at the complex regarding the implications of residents installing gas heating.

Resolved that subject to the general system not being adversely effected by such additions that residents be permitted to use gas for heating subject to an annual fee of \$200.00 being paid to the Strata Plan with such charge also applying to any resident that has already installed such gas heating.

The meeting was attended by five members of the committee and strata manager Mr. John Fry. No other of 218 owners of properties attended.

Full unredacted copy of the minutes of the meeting:

Annual General Meeting on 29th of September 1999 did not include any Motion for gas heating levies

SP52948 Minutes of EC meeting held on 17th of November 1999 – gas heating confirmed at \$200.00 per year, payable in advance on 1st of December each year and subject to annual review

(f) Gas heating in units/townhouses

Resolved that permission be granted for occupiers to install gas heating subject to the following conditions:

- (A) That a written application is to be made to the Owners Corporation.
- (B) That only one gas heater is to be permitted per lot.
- (C) That the installation must be carried out by a licensed gas fitter subject to any required approvals being obtained from AGL.
- (D) That all ^{gas} users of heating shall pay an annual fee to the Owners Corporation to cover the cost of additional gas usage. The initial fee will be \$200.00 per user payable annually in advance on 1 December each year and shall be subject to annual review.

The meeting was attended by eight members of the committee, one proxy authorisation, and strata manager Mr. John Fry. No other of 218 owners of properties attended.

(b) Gas Heating

1. Quotations are to be obtained for the installation of individual meters for gas supply to the units.
2. A listing of quarterly gas usage bills for each of the tower buildings for the past year was provided. It was clear that heating of the pool was the major cause of the unacceptably high gas bills.

(i) GST

The Committee discussed the implications of GST on the levy payable on 1 June 2000.

The Committee resolved that as the Owners Corporation had been registered on a cash basis that no GST would be payable on the levies payable for the quarter commencing 1 June 2000 subject to such levies being received by the Owners Corporation prior to the 30 June 2000. The managing agent expressed their view, with a GST ruling having been obtained from the tax department.

A recent General Meeting to amend the levy contributions to include GST resulted in an insufficient number of votes being obtained and therefore the meeting did not proceed. It will be necessary for this matter to be considered by all owners to enable GST to be added to the levy payable 1 September 2000.

The meeting was attended by seven members of the committee, one proxy authorisation, and strata manager Mr. John Fry. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting claiming that no problems found in management of the complex dated 22nd of February 2012

ITEM 7:

To consider further correspondence from

The Managing agent is instructed to seek a costs proposal from a strata lawyer to prepare a response to the latest application to CTTT seeking orders relating in the main to matters already dealt with. It was also noted that the committee encourages all owners to write to CTTT making it clear whether or not there is any objection or support. All the costs of this work will be identified separately to ensure all owners appreciate the additional expense being created by this vexatious and libelous correspondence. The committee is satisfied that there is no malfeasance of any kind and that audited accounts and approved minutes provide a correct record of all material issues. The Owners Corporation will seek a costs order against if this is permitted by CTTT.

The meeting was attended by nine members of the committee, one owner, and strata manager Mr. Paul Banoob. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting claiming that no problems found in management of the complex dated 13th of June 2012

To consider correspondence.

The managing agent presented an email received from the owner of unit 59 requesting an additional gas outlet. It was agreed that if the owner wants an additional gas outlet that a meter would also need to be installed to ensure the usage can be measured and charged accordingly.

The committee noted that the recent application for an order by the owner of lot 158 to CTTT has been dismissed. The Adjudicator agreed with the submissions made by the Owners corporation that lot 158 application was misconceived; that the adjudicator had no power to make a number of orders requested by the owner of lot 158 and that the adjudicator had no authority to micro manage the affairs of the scheme and that the other issues raised were dealt with and decided adversely to the owner of lot 158 in previous submissions made to CTTT. The committee also made note to date the additional direct costs (mainly legal fees) incurred in dealing with this vexatious correspondence have been approximately \$2,500. Further correspondence from Mr Baljevic was reviewed and determined to not require a reply.

The meeting was attended by seven members of the committee and strata manager Mr. Paul Banoob. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting claiming that no problems found in management of the complex dated 22nd of August 2012

9. Appeal against CTTT decision by [redacted]

As minuted on 9 July 2012 Mr. Adrian Mueller of J S Mueller & Co. had been engaged to represent the OC at the CTTT hearing held on 8 August 2012. DB is appealing against the decision by CTTT to dismiss his application for orders

against the OC. The solicitor estimated the OC legal costs may reach \$12,000. Arrangements to meet the actual costs incurred will be a matter for the budget for the next financial year and may affect levies adversely as the funds will require to be collected from all owners before final costs are known. The EC noted the CTTT hearing was adjourned pending submission of a concise written summary by [redacted] as it was unclear to CTTT what orders were being sought. The OC has been put to further legal expense to prepare a submission by way of response to the voluminous paper file lodged by [redacted] with CTTT. The solicitor has advised there is no additional information required from the OC and will file the required response before the due date of 12 September 2012. The solicitor also advised the OC that neither the MA or EC are required to consider any further correspondence from [redacted] before the CTTT has determined the appeal.

2. The MA advised the EC that a townhouse owner has recently made a request for the re-imbusement of approximately two years of gas and water usage. Attention was drawn to the terms of the rebate scheme (recently reaffirmed in minutes) which can only reimburse usage for the current financial year or immediate past quarter. The EC confirmed that the MA has authority to apply the standard policy with previously agreed terms and conditions to such requests. Rebates for usage in the period since 1 September 2011 only were approved.
5. A request has been received to have gas heating installed in a tower unit, to be run from the existing gas supply to the kitchen of this unit. The EC agreed that any owner must forward a formal written request for this installation to the MA. The MA has been asked to confirm that fees for additional unmetered gas usage by tower owners can be levied and enforced. Charges currently levied on owners are to be reviewed in light of gas increases. The gas supply pipes are common property and will be inspected to determine no unauthorized installations exist and that all owners with heating are paying a fair contribution. The current gas supplier is to be asked to provide the OC with a 'reasonable' gas usage estimate and also whether the contracted gas price can extend to the other meters in the complex.
6. The MA is to discuss with Adrian Mueller of J S Mueller the possible requirement for an appropriate by law to deal with all the issues raised in access to the unmetered gas supply and usage of gas for heating within tower or townhouse units. If necessary this will be dealt with at the next general meeting.

ITEM 10: Gas & Water Rebates

There is to be no change to the previously approved gas and water rebate scheme currently in place since approval at the AGM in 1999 which ensure fairness in utility cost sharing amongst all owners.

The meeting was attended by seven members of the committee and two strata managers Mr. Paul Banoob and Mr. Peter Bone. No other of 218 owners of properties attended.

Extract from letter sent by BCS Strata Management to owners on 7th of September 2012 which was not provided to Lot 158 and denying any misappropriation of common funds

Rebates

In his letter [redacted] asserts that there has been "long term fraud" and that "money has been taken" from our common funds. These assertions relate to claims by [redacted] that certain owners have unlawfully received rebates for gas and water charges.

Many of you would be aware that owners in tower units receive water and gas paid for by the Owners Corporation and the rebate scheme put in place in 1999 simply treats townhouse owners in the same manner. Townhouse owners first have to pay the individual meter bills and are then rebated the consumption amounts only. The timing of payments can vary according to the date the claims for rebates are made. Not all claims are allowable as there is a time limit to ensure the Owners Corporation can budget for these costs properly. Many townhouse owners have received rebates of this nature. All such rebates have been approved by the Owners Corporation. Indeed [redacted] previously made claims that there had been fraudulent rebates paid to certain owners. These claims were not accepted by the Strata Schemes Adjudicator.

Personal Benefits

[redacted] has asserted that past and present members of the executive committee have "abused their privileges and obtained personal financial benefits". He has also claimed that "even Raine & Horne Epping office claimed a small rebate for a gas expense!" These allegations are false. Neither the executive committee members nor the strata manager of Macquarie Gardens have obtained, by unlawful means, any personal financial benefits.

Conclusion

Many of the assertions contained in [redacted] letter have been previously raised with and dismissed by the Strata Schemes Adjudicator. The allegations which we have addressed in this letter are simply untrue. And some of them are defamatory.

The executive committee will continue to manage the affairs of Macquarie Gardens, in concert with the strata managing agent, in the best interests of the owners as a whole. This will include vigorously defending [redacted] appeal which is currently before the CTTT.

In the event that you want to discuss any of the matters raised by [redacted] or the content of this letter, please do not hesitate to contact your executive committee or strata manager.

Yours faithfully

Executive Committee – Macquarie Gardens

SP52948 Agenda sent to owners for Annual General Meeting on 4th of October 2012

Motion to introduce Special By-Law for gas heating:

- No.11 That the Owners Corporation, by **SPECIAL RESOLUTION**, pursuant to Section 47 of the *Strata Schemes Management Act 1996*, make an additional By-Law in the following terms:

SPECIAL BY-LAW: Control of Common Gas Supply

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and By Laws it shall have the following additional powers, authorities duties and functions:

1. Enter a lot to inspect the common gas supply to cooking appliances;
2. Determine whether the common gas supply has been tapped for the supply to appliances other than internal bench top cooking appliances ("additional appliances");
3. Impose on the owner of those lots in which the common gas supply has been diverted to additional appliances, an annual charge equal to the reasonable estimate for usage of gas having regard to the rated gas consumption of the additional appliances all such estimates to be at the absolute discretion of the Owners Corporation acting reasonably;
4. Determine that such annual charge be a levy for the purposes of enforcing the payment thereof.
5. Vary the annual charge having regard to the cost of gas imposed on the Owner Corporation;
6. Impose a retrospective levy on lots found to have tapped the common gas supply without permission from the Owners Corporation;
7. Continue to bill such levy until confirmation from a licensed gas fitter is received advising that no diversion of gas supply is in existence with a lot.

An owner and/or occupier of a lot must:

-
8. NOT connect an additional appliance to the common gas supply without
 - a. First notifying the Owners Corporation in writing of the intention to do so;
 - b. Using only the services of a licensed gas fitter as approved by The Owners Corporation to carry out the installation;
 - c. Paying any charge when levied for the consumption of gas determined by the Owners Corporation;
 - d. Be responsible for the maintenance and repair of all fittings, pipework and appliances attached to the common gas supply other than the gas supply piping to the boundary of the lot.

In the event that individual gas meters are installed to each and every lot such that consumption can be billed to each lot on a strictly metered basis the above requirements shall cease to have effect from the date of commencement of such direct billing of gas consumption.

(See Page 4 of Annual Report)

Chairperson's address for the general meeting:

CONSUMER, TRADERS AND TENANCY TRIBUNAL ("CTTT")

A portion of the increase in AF levies is as a direct result of the activities of one owner, [redacted] and his repeated claims and appeals at the CTTT.

The Executive Committee ("EC") had planned to keep AF levy increases to a much lower percentage. In the last few days the EC was placed in the invidious situation of having only one insurer prepared to quote on reinsuring our almost \$100m asset due to the pending CTTT action and the allegations of fraud contained therein. This resulted in being forced to accept a cost with a 53% increase without any of the normal alternatives available to us.

While these claims by [redacted] are all untrue and will almost certainly be dismissed, the threat to our community financial wellbeing has been realised with legal, insurance and related costs all rising as a direct result. The EC regret that [redacted]'s activity has undone years of careful management of our expenses and are at a loss as to how to compel the owner to desist. The OC has sought legal advice and has engaged the services of a specialist NSW strata lawyer to deal with these claims.

The financial damage to our community caused by [redacted]'s claims against the OC has now been clearly manifested and will affect your levies. The damage to the reputation of volunteer, conscientious committee members is reaching the stage of seeking legal reparation. [redacted] has been warned by a formal legal letter about his defamatory statements, asked to retract them and apologise to those he has defamed. So far he has not complied with the request.

The value of our investment at Macquarie Gardens is also being detrimentally affected by [redacted]'s claims about the actions of our managing agent ("MA") over a number of past years. The EC believe these claims are equally ill-founded and without basis and the OC is cooperating in the defence of these claims by the MA. As is abundantly clear from both the financial performance measured against budgets, audited accounts, minutes of meetings and the physical state of the complex, all such claims are false and there is and never has been any mismanagement, let alone fraud.

The EC has received formal written confirmation from the MA that no fraud has occurred and that no EC member has any financial interest with or received any benefit from the MA.

If the latest decision of the CTTT, to dismiss [redacted]'s claims, is not upheld by the reviewing tribunal member at a hearing on 17th October 2012 there may be a need to further increase AF levies to meet additional legal expenses not covered by our legal liability insurance. As the next hearing is on the afternoon of the date of the AGM I expect to be able to report at the AGM in the evening on the outcome of the appeal by [redacted].

At the forthcoming AGM you will be asked to vote for the appropriate people to represent you on the EC next year. [redacted] has nominated himself as a committee member for next year.

The outgoing EC members strongly advise all owners to consider the highly undesirable situation of having [redacted] as a committee member. He has mounted a claim against the OC and therefore to be a member of its governing body would be an irreconcilable conflict of interest that could not in all reasonableness be functional.

Volunteers prepared to stand for election and contribute time and effort into participating in managing our community and setting its future direction, could not be expected to work with [redacted]. He has spread disquiet and created such concern with insurers that they would prefer not to quote. It will be hard enough for a new EC to function with today's cost pressures without having to deal civilly with an individual who has been defamatory about them.

REAPPOINTMENT OF MANAGING AGENT CONFIRMED – RAINE & HORNE STRATA

The committee has confirmed the continuation of our current contract with Raine & Horne Strata.

Last year, the Annual Report commented that EC was concerned about service levels from the MA. This year, the MA has experienced a forced change of responsible staff member for medical reasons. In our last annual report it was indicated that alternative arrangements may have to be considered. Since the end of the financial year the EC has conducted a tender process for the work carried out by the current MA. The tender was widely circulated including through the relevant institute of body corporate managers. A number of strata managers who have offices in surrounding suburbs were directly asked to quote. All of these tenders and quotes were handled directly by the Chairman and Treasurer without access by Raine and Horne Strata who provided their quote (based on the existing contract) at the beginning of the process. For commercial reasons it is inappropriate to circulate the results of these tenders. The incoming quotes were analysed by the Treasurer including confirming his calculations with tenderers where required. The level of response was low with only three conforming and one non- conforming bid being received by the due date.

The Treasurer's analysis was considered by the EC who concluded it is in the best interests of the OC to continue the appointment of the current MA. Accordingly there will be no need for a vote on this matter at the AGM. In reaching this decision matters other than pure cost were considered but owners can be reassured that the current contract structure (and in particular the absence of commission for insurance payable to the MA) provides SP52948 with a fair price commensurate with market rates.

The MA has assisted in further reducing administration costs by providing a free committee room on a number of occasions.

WATER & GAS CHARGES AND REBATE SCHEMES

There are two practical policies in place that affect charges and rebates to owners. Both these schemes have operated almost from the beginning of the OC and have resulted in equity in sharing common utility costs caused by the lack of individual meters for gas and water to all lots. Neither of the by-laws proposed is designed to change the long term practise and policy of fairness in gas and water cost sharing applied by the OC for the past 12 years but they will prevent some of the wild allegations regarding improper application of these schemes by the MA.

Refunding consumption charges (not connection charges) for water and gas to townhouse owners (provided these claims are submitted on the appropriate form accompanied by copies of paid invoices, and submitted for the current financial year or immediate past quarter of the prior year) was approved at an EC meeting in 1998 and ratified at an AGM in 1999 and it is believed this should be converted to a by-law.

The policy of levying a single annual charge to owners in any lot who connect gas heating to the common cooking gas supply was applied by the EC from shortly after residents moved in. The annual charge has not varied in many years, some owners do not voluntarily disclose the use of gas for heating and it remains impractical and too costly to install gas meters to all units. (Latest estimate is over \$2,000 each). It is considered desirable to have a by-law similar to that used to inspect for leaking water to make this gas heating supply charge more manageable, equitable and enforceable in future.

SP52948 Extract from minutes of committee meeting dated 5th of December 2012

ITEM 3: Matters arising from the last ECM minutes:

On-site Wireless internet service provider

The MA is to follow up the matter of rental income payable to the OC by Whome, the current provider of wireless internet to a very limited number of residents throughout the scheme. As many alternative public wireless networks are now available, if no rental income has been paid to the OC, the contract for the renewal of this service will not be further considered by the OC.

- CTTT Hearing outcome

The EC noted that the CTTT has not handed down its decision in relation to the appeal lodged by [redacted]. (NB Two days after the ECM a decision was received from CTTT dated 5/12/2012 ordering the appeal be dismissed in its entirety – copy attached)

ITEM 6: To consider correspondence

The EC noted that no other correspondence requiring the attention of the EC had been received. Any correspondence from [redacted] has been forwarded to the solicitor.

The meeting was attended by six members of the committee, one owner, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 20th of February 2013 – two owners received approval to install gas heating – Lot 59 and Lot 88

MOTION 5: To consider correspondence.

The Strata Manager advised the meeting that he had received written requests from the owners of Lots 59 and 88 to install gas connections within their respective units for the purpose of gas heating.

Resolved that these two requests be approved subject to the terms and conditions of the Special By-Law – Control of Common Gas Supply, as approved at the Annual General meeting held on 17th October 2012.

2. Mr Marshall's comment about the legal dispute between the owner of Lot 158 and the Executive Committee, and his (Mr Marshall's) threat to have the Executive Committee dismissed if the matter is not resolved.

Mr Marshall advised the meeting that he felt as though he was 'caught in the middle' of the ongoing legal action between the owner of Lot 158 and the Executive Committee, but offered no further explanation of why he felt he was caught in the middle.

The Chairperson advised that all legal action to-date has been initiated by the owner of Lot 158, resulting in the Executive Committee needing to take appropriate action to defend the actions brought by the owner of Lot 158.

The Chairperson further advised that all applications lodged with the Consumer, Trader & Tenancy Tribunal (CTTT) by the owner of Lot 158 to-date, have been dismissed by the CTTT.

The Chairperson then asked Mr Marshall what action he believed could be taken to have this on-going matter resolved. Mr Marshall did not offer a solution to this on-going legal action.

The meeting was attended by five members of the committee, one owner, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

SP52948 Special By-Law 12 Control of Common Gas Supply registered seven months after the alleged general meeting on 6th of May 2013, not sent to any owner or tenant in the complex, alleging that the levies increased without its value being defined in the Special By-Law, and without disclosure that the original levy was set at \$200.00 since 1999 with 10% GST added on 1st of July 2000

SPECIAL BY-LAW 12 - Control of Common Gas Supply

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and by-laws it shall have the following additional powers, authorities, duties and functions:

1. Enter a lot to inspect the common gas supply to cooking appliances;
2. Determine whether the common gas supply has been tapped for the supply to appliances other than the internal bench top cooking appliances ("additional appliances").

THE COMMON SEAL of THE OWNERS – STRATA PLAN
 NO 52948 was affixed on the 6th day of May 2013 in the presence of

Names:-----Debbie Richards-----
 Signatures:-----*[Signature]*-----



being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.

3. Inpose on the owner of those lots in which the common gas supply has been diverted to additional appliances, an annual charge equal to the reasonable estimate usage of gas having regard to the rated gas consumption of the additional appliances; all such estimates to be at the absolute discretion of the Owners Corporation acting reasonably;
4. Determine that such annual charge be a levy for the purposes of enforcing the payment thereof;
5. Vary the annual charge having regard to the cost of gas imposed on the Owners Corporation;
6. Impose a retrospective levy on lots found to have tapped the common gas supply without permission from the Owners Corporation, any such charge to be at the absolute discretion of the Owners Corporation acting reasonably;
7. Continue to bill such levy until confirmation from a licensed gas fitter is received advising that no diversion of gas supply exists within a lot.
8. An owner and/or occupier of a lot must NOT connect an additional appliance to the common gas supply without:
 - a. First notifying the Owners Corporation in writing of the intention to do so;
 - b. Using only the services of a licensed gas fitter as approved by the Owners Corporation to carry out the installation;
 - c. Paying any charge when levied for the consumption of gas determined by the Owners Corporation;
 - d. Be responsible for the maintenance and repair of all fittings, pipe work and appliances attached to the common gas supply other than the gas supply piping to the boundary of the lot.
9. In the event that individual gas meters are installed to each and every lot such that consumption can be billed to each lot on a strictly metered basis the above requirements shall cease to have effect from the date of commencement of such direct billing of gas consumption.

THE COMMON SEAL of THE OWNERS – STRATA PLAN
 NO 52948 was affixed on the 6th day of May 2013 in the presence of

Names:-----Debbie Richards-----
 Signatures:-----*[Signature]*-----



being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.

The Chairman noted that this was a slight change in previous policy applied where voluntary reporting of gas appliances had been accepted and the annual fee had remained fixed for many years. This fee was now too low and some measures were necessary to deal with undisclosed use of common gas supply. The conversion of this policy to a by-law is to deal with enforcement.

SP52948 Extract from minutes of committee meeting dated 22nd of May 2013 – not disclosing to owners that SCS 12/50460 was opened seven months earlier on 5th of October 2012 and not disclosing that Solicitor Adrian Mueller falsely represented owners corporation at Fair Trading and CTTT without authorisation

At this point in the meeting, and with only the matters relating to the CTTT application lodged by [redacted] of Lot 158 to discuss, the Chairperson asked [redacted] to leave the meeting.

[redacted] expressed his objection to being asked to leave the meeting at this time, but did so, and left the meeting at 8.23pm.

MOTION 6: To review the latest CTTT application lodged by the Owner of Lot 158.

The meeting reviewed the paperwork received from the CTTT in relation to the latest application made by [redacted], being CTTT file number SCS 12/50460, and the Orders being sought by [redacted] to "invalidate Resolutions and New By-Laws at AGM 2012".

As per the application lodged by [redacted], the orders being sought are:

- To invalidate resolution for Motion 12 which approved Special By-Law "Sharing of water and gas costs", pursuant to SSMA 1996 Section 153 (accompanying evidence in Folder 1)
- To repeal new Special By-Law "Sharing of water and gas costs", pursuant to SSMA 1996 Section 157 (accompanying evidence in Folder 2).
- To invalidate resolution for Motion 11 which approved Special By-Law "Control of Common Gas Supply", pursuant to SSMA 1996 Section 153 (accompanying evidence in Folder 2).
- To repeal new Special By-Law "Control of Common Gas Supply", pursuant to SSMA 1996 Section 157 (accompanying evidence in Folder 2).
- To invalidate resolutions for Motions 20 to 29, pursuant to SSMA 1996 Section 153 (accompanying evidence in Folder 9).
- To invalidate resolution for Motion 1 which approved Minutes of the last General Meeting (EGM) held on 7th on May 2012, pursuant to SSMA 1996 Section 153 (accompanying evidence in Folder 3).
- To invalidate resolution for Motion 2 which adopted audit of financial statements for the year ending 31st of August 2012, pursuant to SSMA 1996 Section 153 (accompanying evidence in Folder 4).
- To invalidate resolution for Motion 6 which adopted Sinking Fund expense budget estimates for year 2013, pursuant to SSMA 1996 Section 153 (accompanying evidence in Folder 5).
- To invalidate resolution for Motion 8 which adopted levy contributions into the Sinking Fund for year 2013, pursuant to SSMA 1996 Section 153 (Folder 10, with accompanying evidence in Folder 5).
- To invalidate resolution for Motion 19 – election of the Executive Committee, pursuant to SSMA 1996 Section 153 (accompanying evidence in Folder 6).
- To comply with an obligation imposed by a positive covenant and relating to the proactive maintenance and repair of property in the strata scheme pursuant to SSMA 1996 Section 160 (accompanying evidence in folder 7).
- To issue compliance order for Special By-Law 4 (Exclusive Rights to Common Property) to owners of Lot 3 pursuant to SSMA Section 169: the owners of Lot 3 to indemnify, and keep indemnified, the Owners Corporation in respect of all claims, actions, costs, and expenses whether for injury to persons, or damage to property, arising in any way out of carrying out the works and future maintenance and the owners

shall at all times keep in effect a public risk insurance policy in the sum of not less than \$5,000,000.00 to cover the owners obligations hereunder (accompanying evidence in Folder 8).

The Chairperson advised the meeting that because all of these orders sought relate to Motions passed at a General Meeting of the Owners Corporation, the Executive Committee does not have the legal authority to overturn any of the Motions passed at that meeting.

The meeting also noted the limited time-frame (Tuesday 4th June 2013) in which the Owners Corporation has to lodge a written submission to the CTTT in relation to this application.

Resolved that the Strata Manager is to write to CTTT requesting an extension of time for the submission of a written application, as the Owners Corporation does not have sufficient time to convene an Extraordinary General Meeting, obtain legal advice and prepare a written submission to the CTTT.

The Chairperson also advised the meeting that the Owners Corporation has lodged an insurance claim against the 'Legal Defence' insurance policy held by the Owners Corporation, and the insurance company has agreed to cover the costs of the Owners Corporation's legal fees, less any policy excess.

MOTION 7: To review and consider a new fee proposal from J S Mueller & Co Lawyers to represent the Owners Corporation in the latest CTTT matter initiated by the owner of Lot 158.

The meeting reviewed a fee proposal from J S Mueller & Co for their services to represent the Owners Corporation in relation to CTTT Application file number SCS 12/50460, and resolved that this fee proposal be put to the owners at a General Meeting for approval.

MOTION 8: To consider the convening of an Extraordinary General Meeting to consider the following motion (among others):

"That the owners corporation resolves pursuant to section 80D of the Strata Schemes Management Act 1996 to defend the application made by _____ (Lot 158) to the strata schemes adjudicator for orders against the owners corporation (CTTT File No. SCS 12/50460) and to engage JS Mueller & Co Solicitors for that purpose on the terms of that firm's costs agreement and costs disclosure dated 6 May 2013, a copy of which is attached to the notice of this meeting."

Resolved to defer the convening of an EGM pending a response from the CTTT on the granting of an extension of time in which to lodge a written submission in relation to CTTT application file number SCS 12/50460.

The meeting was attended by seven members of the committee, five owners, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 28th of August 2013 decreasing gas heating levy from \$220.00 per annum to \$55.00 without general meeting and consultation with owners - one owner received approval to install gas heating – Lot 167

MOTION 5: To consider a request from the owners of unit 167 to install a gas outlet in the lounge room of that unit for gas heating purposes.
Resolved that the request from the owners of unit 167 to install a gas outlet be approved subject to the standard terms and conditions.
 The meeting further noted that the additional levy to be charged to unit owners with an additional gas outlet is \$55.00 per annum.

MOTION 19: Water / Gas Metering:
 Investigation of the water and gas metering is ongoing and to be continued.

The meeting was attended by seven members of the committee, two owners, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

Owners were prevented from having information that BCS Strata Management secretly issues overdue invoices for unpaid gas heating levies for FY 2012 and 2013 as late as mid-2016 (Lot 167 was on that list too). The levies did not apply correct amounts (\$220.00 per year and 10% simple interest per each year):

(accounts only) GD Ref:	
<input checked="" type="checkbox"/> GENERAL DEBTOR REQUEST / <input type="checkbox"/> CHARGE TO LOT	
SP 52948	Body Corporate for
If charge is to be allocated to lot please complete below	
Lot No (if applicable):	
Authorization between body corporate and owner of lot.	YES NO
Name of Debtor	LOTS 147, 148, 163, 167, 181, 182, 3, 59, 62
Address for notice*	68, 102, 127, 144
Contact (ph/email)	
Amount (Excl. GST)*	\$ 100
GST*	\$ 10
Total Payable (Incl. GST)*	\$ 110
Date for payment	1/8/16
Charge Description (to appear on notice) (max characters - 20)	Gas line charges 2012 + 2013

SP52948 Agenda sent to owners for Annual General Meeting on 9th of October 2013 – giving appearance that gas heating levies would be set to \$75.00 per quarter for one bedroom units and \$100.00 per quarter for two and three bedroom units with year review of levies

CONSUMER, TRADERS AND TENANCY TRIBUNAL (“CTTT”)

DB lodged an appeal against the decision by the CTTT to dismiss his claims lodged in 2012. In addition he lodged a new claim. Despite being warned formally that there was no prospect of his appeal succeeding he proceeded with the appeal. The appeal was dismissed as was his subsequent claim. Due to the voluminous material that he submitted to CTTT and the serious allegations made it was necessary to engage legal assistance to prepare and attend lengthy hearings at CTTT on a number of occasions. This is no different than using a plumber to fix leaks.

The EC has no choice but to defend these false claims on behalf of the OC and all owners should appreciate that the pejorative language constantly used by DB contributes nothing to any debate. It is hoped that a costs order against him may finally create the realisation that he is but one voice against whom a very large majority have voted. The latest dismissed claims sought to overturn decisions made at the prior AGM. The extent to which DB alleges “illegal” activity and the use of words like “fraud”, “criminal” and “corrupt” in public correspondence makes any discussion more impossible. He has been warned formally of the possibility of action against him for defamation. His actions, wild exaggerated claims of “hundreds of thousands of dollars” of losses and his inability to comprehend simple financial statements and meeting minutes continue to create a climate which detracts from the real picture of financial health. It appears that his intentions are purely vindictive and have no real bearing on managing the OC.

The OC is very clear that DB's claims are not capable of being substantiated as no illegal or even improper activity has occurred. Regrettably DB appears to have turned his efforts to an email campaign to discredit the activities of the EC, chairman and MA. This campaign includes circulating partial, incomplete and incorrect information replete with misinterpretation of accounts and events that are not borne out by the facts. While the CTTT was considering these various matters the EC and MA have not responded to these fallacious and argumentative letters.

Claims that the OC is in financial difficulty and is mismanaged are not supported by the audited accounts, favourable comparison to budget, lack of special levies, and the very substantial reserve in the sinking fund. In addition to the false nature of claims, the numerous threatening, demanding and often defamatory correspondences, has made it very difficult for the MA and EC to respond in any case as the CTTT cases were outstanding and prevented normal response to alleged complaints.

The OC has lodged an application for a costs order against DB in light of his failure to withdraw his appeal which caused very substantial additional insurance claims. The result of that application is not yet known but is expected imminently. The insurance company meeting the OC's costs has done so because the OC is insured against such false claims of fraud. No owner would serve on any committee or in any position of authority without the protection of such insurance and it remains the case that any further claims against the OC, the EC members or MA will be defended utilising the insurance. Naturally this has affected premiums for insurance but the findings in favour of the OC to date has meant that the effect of this has now ameliorated to an excess limit of \$10,000 (i.e. the OC pays the first \$10,000 of any claim).

The EC has again received formal written confirmation from the MA that no fraud has occurred and that no EC member has any financial interest with or received any benefit from the MA and refer owners to the detailed management representation letter provided to the auditor and EC.

REAPPOINTMENT OF MANAGING AGENT CONFIRMED – RAINE & HORNE STRATA

The committee has not retendered the current contract with Raine & Horne Strata as this was done last year with no obvious benefit (and certainly no financial one) in making any change. The nature of the current contract with "bundled disbursement" charges prevents many additional costs being incurred when having to deal with the voluminous correspondence forced on us by the CTTT. However the documentation (but not the fees for these services) is now somewhat dated and will be reviewed next year.

The current contract structure (and in particular the absence of commission for insurance payable to the MA) provides SP52948 with a fair price commensurate with market rates. This year this will even result in a commission rebated to the OC by the MA. This is a relatively unique feature and ensures there is no reason not to favour a particular insurer due to commission structures.

The MA has continued to assist in containing administration costs by providing a free committee room on a number of occasions. Suggestions by Mr Baljevic that funds could be used to build a meeting room to save the few dollars spent each year are ludicrous and simply make no commercial sense.

Details of tenders last year were not disclosed except to the committee for obvious commercial reasons and were withheld from the MA for the same reason.

WATER & GAS CHARGES AND REBATE SCHEMES

The by-laws approved last year have exposed some inconsistencies in information apparently supplied to townhouse owners over the years regarding the right to recovery of water and gas consumption costs. A particular case is under investigation to determine if any liability exists where incorrect information may have been given to an owner by a former MA employee.

Both these rebate schemes have operated almost from the beginning of the OC and have resulted in allowing the same unrestricted usage of gas and water and hence equity in sharing common utility costs caused by the lack of individual meters for gas and water to all lots with no measure of consumption by any individual tower owner.

Refunding consumption charges (not connection charges) for water and gas to townhouse owners (provided these claims are submitted on the appropriate form accompanied by copies of paid invoices, and submitted for the current financial year or immediate past quarter of the prior year) was approved at an EC meeting in 1998 and ratified at an AGM in 1999 and converted to a by-law at the last EGM.

There is no viable means of metering water usage at each apartment (multiple meters per unit would be required). Equally, there are many services and costs, incurred by the units in the towers, that provide minimal or no benefit to townhouse owners. (Examples are fire services, elevators maintenance, hot water services, garage door maintenance, carpet cleaning, security, burst pipes in the towers etc.) The townhouses have a higher floor space area and therefore a higher unit liability than the simple numerical unit count and also have more bathrooms relatively than the tower units. Thus proportionately the relative consumption is expected to be higher. There is no limit on water and gas consumption in tower units and therefore none in the size of the rebate. Changing the scheme may result in an application to redistribute the unit entitlements amongst all units as there is sufficient financial evidence to demonstrate the inequality of total costs.

The by law relating to gas inspections and annual charges passed at the last AGM will now allow the inspections and costs to be established properly. This was not done this year due

to the uncertainty over budget costs but is properly allowed for in 2014. The policy of levying a single annual charge to owners in any lot who connect gas heating to the common cooking gas supply will be billed with the first quarterly levy after the inspections are completed. The annual charge has been recommended at \$75 per quarter for a one bedroom unit and \$100 per quarter for a two or three bedroom unit. This charge will be reassessed annually as there are too many factors that affect usage in individual units to be any more reasonable at this time. A quarterly charge will ensure this is regularly billed and recovered.

AGM ATTENDANCE AND PROXIES

Attendance by almost 60 owners in person or by proxy is required at the AGM on **Wednesday 23rd October 2013** to avoid an adjournment and second meeting a week later. Please remember your vote at an AGM will be disallowed if all your levies, interest and miscellaneous charges are not completely paid by Tuesday 22nd October 2013

If you cannot attend the AGM, it would be very much appreciated if you would complete a proxy form in favour of someone you can trust to represent you at the meeting (remember all joint owners must sign). If you do not know anyone going to the AGM then I will be pleased to accept your proxy and vote as you direct. Please be careful in making proxy appointments as long term stability of levies and conservative application of sinking funds is at stake. Without proxies no AGM would have proceeded in any previous year so it does matter that you either attend or supply a proxy.

Extract from Minutes of Annual General Meeting on 23rd of October 2013

MOTION 1: That the Minutes of the last Annual General Meeting, held on 17th October 2012, as attached to the notice of this meeting be approved.

_____ made a number of objections to the motion to approve the minutes of the last AGM held on 17th October 2013. To the best of the chairman's knowledge these objections were not capable of being included as amendments to the minutes as they went to procedural or argumentative matters and did not go to the content of, nor change any decisions recorded in, the minutes. After a vote in favour of the motion on the voices, the chairperson asked whether _____ wished the motion be determined by poll. A poll was requested, and resulted as follows:

Motion carried by a majority. U/E in favour: 2,062; U/E against: 303

MOTION 2: That the attached audited financial statements for the year ending 31st August 2013 be adopted.

The chairman explained the changes in accounting for Sinking Fund levies were now adjusted to the same deferred basis as the Administration Fund. Only major utility expenses are also adjusted on an accrual basis.

A number of questions concerning cash and accrual accounting, immaterial incorrect allocation of expenses to certain expense codes and offsets for legal expenses recovered from insurance were addressed by the Chairman.

Motion carried by majority. _____ requested his vote against the motion be noted.

MOTION 10: To decide if any matter is to be determined only by the Owners Corporation in general meeting.

_____ moved that all contracts and service agreements to be approved by a general meeting.

Defeated by majority vote.

The exception to this is the expense for the services included in the current major caretaking contract. The chairman advised as this contract was currently almost a third of the Administration Fund annual budgeted expense and expired on 31st August 2014 it would be appropriate to make arrangements to extend the current contractors to allow a new arrangement to be presented to the next AGM as it would also materially affect levies. This planned course of action was accepted by the meeting.

_____ asked for all owners to be allowed to attend a meeting with BigAir, the now owner of the wHome wireless internet provider service. The chairman advised that no meeting had been agreed to and this matter was in the hands of solicitors but was taking longer than expected to resolve because the Owners Corporation copy of the agreement could not be found. Solicitors had been asked to advise how the contract can be terminated and the equipment removed. _____ stated that he had sighted

the wHome agreement and that he may have it (or a copy?) but would not disclose or provide it to the Owners Corporation.

The charge for gas heating mentioned in the Annual Report was raised and the Chairman confirmed that pursuant to the Special By-Law this was undergoing the reasonableness assessment by the EC and as a result was not yet fixed.

Resolved that no other matters require to be determined only by the Owners Corporation in general meeting.

MOTION 13: To receive nominations for the Executive Committee, and to elect the Executive Committee.

Nominations were received for the following 11 Lot owners in order of nomination:

Bruce Copland, Stephen Luxmore, Moses Levitt, Maureen McDonald, Sandi Quick
Jeff Wang, John Ward, Raphael Hirschhorn, Stan Pogorelsky, Dusan Baljevic and
Hendra Gee.

D Baljevic objected to the ballot for the committee proceeding prior to dealing with motions he put forward asserting that the meeting would have no Chairman after such a ballot. The Chairman asked the meeting for approval to continue in the chair and deal with motions Nos 13 to 28 while ballot papers were prepared and received assent. (See ballot conducted at end of meeting below in these minutes).

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Due to the length of meeting to this point, the chairman advised that he proposed to deal first with all the motions put forward by D Baljevic requiring a Special Resolution appearing on the notice paper numbered 14, 15, 16, 17, 18, 19, 20, 22, 23, and 24. As many of these motions were similar to motions that had been voted on at last year's AGM and because of the number of proxies given to owners who had indicated they intended to vote against the motions requiring Special Resolutions, the chairman advised, that in the interests of time, he proposed to vote the proxies he held in the negative against all motions requiring a Special Resolution thereby resulting in the certain effect in each case of more than 25% of the entitlements present not being in favour. Therefore each motion requiring a Special Resolution motion would be recorded as defeated on that basis. The meeting assented to this course of action.

MOTION 12: To elect the Executive Committee (resumed from earlier in the meeting).

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Ballot papers (based on the 11 nominations received earlier in the meeting) having been prepared and distributed to all those entitled to vote at the meeting and the following number of votes were recorded against each candidates' names:

Bruce Copland 41, Stephen Luxmore 49, Moses Levitt 41, Maureen McDonald 41,
Sandi Quick 41, Jeff Wang 42, John Ward 41, Raphael Hirschhorn 41, Stan
Pogorelsky 41, Dusan Baljevic 8, Hendra Gee 8

The ballot was declared with the Executive Committee until the next Annual General Meeting named as the following Lot Owners (Lot numbers represented are after each name):

B Copland (202), **S Luxmore** (144,175), **M Levitt** (147), **M McDonald** (151), **S Quick** (130), **J Wang** (33, 34, 218), **J Ward** (49, 57), **R Hirschhorn** (133) and **S Pogorelsky** (181)

Full unredacted copy of the AGM 2013:

Extract from Minutes of Extraordinary General Meeting (EGM) on 4th of December 2013, without giving owners any details, approved the following actions of BCS Strata Management for 14 years of mismanagement

MOTION 2: That the Owners Corporation resolves to defend the appeal made by [redacted] to the Consumer, Trader and Tenancy Tribunal in file no. SCS 13/50737 against the decision of Strata Schemes Adjudicator Levingston made on 27 August 2013 in file no. SCS 12/50460 and to retain J S Mueller & Co Solicitors to act for and represent the Owners Corporation in that appeal on the terms of that firm's costs agreement and cost disclosure dated 8 November 2013, a copy of which is attached to the notice of this meeting.

Carried. (1 vote NO and 1 abstain)

MOTION 5: That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting.

M Levitt moved that Motion 5 be amended to read:

That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting, and for the avoidance of doubt in particular ratifies any

- a. contracts for caretaking, gardening, security and pool maintenance;
- b. agreements for elevator or other equipment maintenance;
- c. appointments of solicitors to defend claims and appeals by [redacted] to CTTT;
- d. claims on insurances submitted;
- e. supply of goods or services contracts or pricing agreements;
- f. payments made to owners under gas and water rebate schemes;
- g. gifts or donations made to contractors as customary seasonal tips;
- h. agreements or purchases made regardless of the amount being above \$30,000;
- i. permissions granted to lot owners in respect of keeping pets;
- j. permissions granted to carry out minor refurbishment works affecting common property but inside a lot;
- k. permission granted to use common property;
- l. instructions given to on-site caretakers;
- m. legal actions to pursue recovery of costs from lot owners in respect of monies owed to the Owners Corporation; and
- n. minor procedural or strict administrative compliance matter where the Owners Corporation has suffered no financial loss not subsequently recovered;

but not including any omission or failure to act that would have ordinarily been expected to occur in the absence of referring the matter to the Executive Committee or the Owners Corporation for guidance and/or approval.

Resolved that the proposed amendment to Motion 5 be approved.

Resolved that Motion 5, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

MOTION 6: That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting.

S Pogorelsky moved that Motion 6 be amended to read:

That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting, and for the avoidance of doubt in particular ratifies any

- a. appointment of and renewal of appointment for a Strata Managing Agent;
- b. negotiations or tender process regarding such appointment conducted by any member of the committee;
- c. expenditure authorised on additions to or repair or replacement of common property regardless of the total amount being above \$30,000 and regardless of whether multiple quotes were obtained;

-
- d. amendments to the timing, frequency or scale of repairs, maintenance and replacements of Common Property include in the long term Sinking Fund plan;
 - e. submissions made on behalf of the Owners Corporation to the CTTT in respect of defence of claims and appeals by
 - f. banks chosen to place funds on deposit;
 - g. amounts placed on deposit for any term and at any rate of interest;
 - h. valuers chosen to provide insurance replacement valuations;
 - i. consultant selected to provide advice on any matter;
 - j. reliance placed on the audited accounts prepared by the Strata Managing Agent;
 - k. any determination of rules regulating use of pool, gym or tennis court; and
 - l. any decision reached in Executive Committee Meetings and recorded in minutes.

Resolved that the proposed amendment to Motion 6 be approved.

Resolved that Motion 6, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

MOTION 7: That the Owners Corporation resolves to censure [redacted] for continued frivolous, vexatious and misconceived complaints about the affairs of the Owners Corporation and to pursue recovery of costs on a full indemnity basis for any complaints or actions requiring the Owners Corporation to apply insurance cover or pay for representation at any hearing or conference.

Carried. (1 vote NO and 2 abstain)

MOTION 8: That the Owners Corporation notes the voluminous and repetitive correspondence received from [redacted] which has been excessive and unnecessary for the good order and conduct of the affairs of the Owners Corporation and resolves not to respond to any such further correspondence (unless it is absolutely necessary or appropriate to do so) given that to continue dealing with and responding to this correspondence will likely result in increased administrative costs likely to affect the Owners Corporation in adverse manner.

Carried. (1 vote NO and 1 abstain)

MOTION 9: That the Owners Corporation notes that actions in the CTTT or OFT by [redacted] to have penalties imposed on the Strata Managing Agent are not supported by the Owners Corporation and that there is no current desire to change Strata Managing Agent.

H Gunawan moved that Motion 9 be amended to read:

That the Owners Corporation notes that actions in the CTTT or OFT by [redacted] to have penalties imposed on the Strata Managing Agent are not supported by the Owners Corporation and that there is no current desire to change the current Strata Managing Agent.

Resolved that the proposed amendment to Motion 9 be approved.

Resolved that Motion 9, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

MOTION 10: That the Owners Corporation notes the orders of the CTTT requiring the payment by [redacted] to the owners corporation of \$8,800.00 for legal costs related to a previous dismissed CTTT appeal made by [redacted] and resolves to take such actions as are necessary to recover this amount if it remains unpaid by the date of this meeting, including retaining J.S.Mueller & Co. Solicitors for that purpose, causing a garnishee order, writ for levy of property or bankruptcy notice to be issued against [redacted] or seeking the imposition of a monetary penalty or fine by CTTT against [redacted] for the failure to comply with the order to pay costs.

The Chairperson moved that Motion 10 be amended to read:

That the Owners Corporation notes the orders of the CTTT requiring the payment by [redacted] to the owners corporation of \$8,800.00 for legal costs related to a previous dismissed CTTT appeal made by [redacted] and resolves to take such actions as are necessary to recover this amount if it remains unpaid by the earliest date which it is to due be paid, including retaining J.S.Mueller & Co. Solicitors for that purpose, causing a garnishee order, writ for levy of property or bankruptcy notice to be issued against [redacted] or seeking the imposition of a monetary penalty or fine by CTTT against [redacted] for the failure to comply with the order to pay costs.

Resolved that the proposed amendment to Motion 10 be approved.

Resolved that Motion 10, as amended, be approved.

Carried. (2 votes NO and 1 abstain)

MOTION 11: That the Owners Corporation resolves to write to [redacted] and advise him that he is not authorised to enter into correspondence or contact any supplier or provider of services to the Owners Corporation and that he may not represent that he has any such authority.

Carried. (1 vote NO and 2 abstain)

BCS Strata Management letter sent to owners about self-reporting of gas heating connections in SP52948 on 14th of April 2014

Raine & Horne Strata - Sydney
Level 2, 51 Rawson Street Epping NSW 2121
Locked Bag 22, Haymarket NSW 1238

Telephone 02 9868 2999
Fax 02 8216 0331
Email strata@bcms.com.au
Web www.bcms.com.au

Raine&Horne
Strata Sydney

14th April 2014

All Owners
1-15 Fontenoy Road
MACQUARIE PARK NSW 2113

Dear Owner

Re: **STRATA PLAN 52948 – 1-15 FONTENOY ROAD MACQUARIE PARK
ADDITIONAL GAS OUTLET INSTALLATIONS**

We are the Strata Managing Agents for the above property.

A number of unit owners in the four (4) tower blocks have at some point in time installed an additional gas outlet within their unit for heating purposes. These additional gas outlets have been connected to the common gas supply.

The gas supply to the kitchen appliances of all units is metered through a single meter, and is paid for by the Owners Corporation.

The 2012 Annual General Meeting (AGM) approved By-Laws (copy enclosed) in relation to the charging of a fee to those unit owners who have installed an additional gas connection within their unit.

The fee for those units with the additional gas connection has been determined at \$50.00 plus GST per quarter (a total of \$220.00 per annum) per unit.

In order for the Owners Corporation to charge those units with the additional gas connections, the Owners Corporation needs to know which units have installed additional gas connections.

Unit owners who have installed an additional gas connection are requested to advise the Owners Corporation of this installation, and,

- When the installation was completed, and,
- The capacity of the appliance/s attached to the connection.

Owners are requested to forward this information, in writing, to our office at the earliest available opportunity. This information can be e-mailed to peterb@bcms.com.au faxed or mailed as per the details above.

The Owners Corporation greatly appreciates your assistance with this matter and furthermore, will look favourably upon those Lot owners who volunteer the requested information in a timely manner.

The By-Law permits these charges to be extended retrospectively to the date of installation. No retrospective charges will be made to those owners who have continued to pay the previous annual fee and a maximum of one year retrospective charge will be made for voluntary disclosure.

The latest plumbing inspections revealed a number of units to have gas heating installed with no approval or payment. This pipes for the gas supply are common property and any changes other than immediate connection to a cooktop require approval from the Owners Corporation.

Owners are requested to complete the bottom of this page and return it to our office within 21 days from the date of this letter. Your assistance with this matter will be appreciated and should you have any questions regarding this matter please do not hesitate to contact the undersigned.

Yours faithfully,

RAINE & HORNE STRATA-SYDNEY



Peter Bone

Cc the Executive Committee, Strata Plan 52948

Return this sheet by email or fax (02 8216 0331)

**delete if not applicable applicable*

To the Owners Corporation

Lot number

We have* / do not have * a gas heating connection point installed.

The approximate date of installation was:

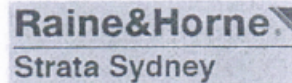
Signed:

Please print name

BCS Strata Management letter sent repeated to owners about self-reporting of gas heating connections in SP52948 on 30th of June 2014

Raine & Horne Strata - Sydney
Level 2, 51 Rawson Street Epping NSW 2121
Locked Bag 22, Haymarket NSW 1238

Telephone 02 9868 2999
Fax 02 8216 0331
Email strata@bcms.com.au
Web www.bcms.com.au



30 June 2014

All Owners
Strata Scheme No. 52948
1-15 Fontenoy Road
MACQUARIE PARK NSW 2113

Dear Owner

**RE STRATA PLAN 52948 – 1-15 FONTENOY ROAD, MACQUARIE PARK
ADDITIONAL GAS OUTLET INSTALLATIONS**

We are the Strata Managing Agents for your strata scheme.

On 14 April 2014, our office wrote to you about the by-laws approved in the 2012 Annual General Meeting (AGM) allowing a fee to be charged to unit owners who have installed additional gas outlets connected to the common gas supply. A copy of this letter is enclosed.

This second page of this letter includes a form to be completed with information about the presence or absence of a gas heating connection in your residence. We thank you on behalf of the Owners Corporation if you have already returned the completed form to us.

If you have not returned the form, we request that you to do so by either emailing KirstyV@bcms.com.au or faxing the form to (02) 8216 0331, by Thursday 31 August 2014.

As previously mentioned, plumbing inspections have already revealed a number of unauthorised connections.

Should you have any questions regarding this matter please do not hesitate to contact the undersigned.

Yours faithfully
RAINE & HORNE STRATA-SYDNEY

A handwritten signature in blue ink, appearing to read 'Russell Young'.

Russell Young
Portfolio Manager

SP52948 Extract from minutes of committee meeting dated 16th of March 2017 – setting gas heating levies to \$220.00 per year in May of each year

13 MCCULLOCH & BUGGY EMAIL

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Minutes Page 2 of 4

The correspondence from McCulloch & Buggy Lawyers regarding an insurance claim was tabled and discussed. The strata manager advised that he has reviewed all of the relevant correspondence and that a Legal Defence insurance claim relating to legal action commenced by [REDACTED], owner of Lot 158, totalling \$28,511.24 was lodged in 2012/2013. Following deductions of \$1,000 Excess and \$2,591.93 GST, the strata plan received \$24,919.31 from CHU Insurance. Following an NCAT order against [REDACTED] the strata plan received \$8,800 from [REDACTED] on 22 July 2014 being a refund of the strata plans legal expenses in relation to this matter. CHU Insurance have requested and are entitled to receive these funds. Resolved the strata manager is to pay \$8,800 to CHU Insurance.

14 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.

The meeting was attended by nine members of the committee, two owners, and strata managers Mr. Simon Wicks and Mr. Robert Crosbie. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 20th of April 2017

Correspondence

The strata manager is to respond to the correspondence dated 3 April and 16 April

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Page 2 of 3

2017 as follows:

CHU Insurance - This matter was responded to following the previous committee meeting and will not be responded to again.

Special By-Law 4 - This has been included on the consolidated by-laws prepared by Waratah Strata and is available to all owners from Waratah's portal.

Lot 158 timber flooring - Floating timber flooring not permanently affixed to common property floors or walls can be installed in accordance with By-Law 14.

Requested By-Laws - The 116 page request for motions to be placed on the agenda of the next available general meeting does not comply with Schedule 1, Part 2 Sec 4 (2) of the Strata Schemes Management Act 2015.

Lot 191 Leaks - This matter was addressed at the previous committee meeting and will not be responded to again.

Capital Works Forecast - This report is intended to be used only as a guide for financial planning purposes and is not intended to be a comprehensive actual costing of all maintenance requirements. The Owners Corporation can choose to use or alter the recommended contributions when setting the levies at each AGM.

Gas Connection Charges - The committee have attempted to implement a fair & just system for all owners for the charging of gas supply. They are entitled to adjust these arrangements from time to time as required.

The meeting was attended by six members of the committee, four owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 20th of July 2017

1 MINUTES

Resolved that the minutes of the previous strata committee meeting were amended to record a voting paper being provided by Genelle Godbee and then confirmed as a true record of the proceedings of that meeting. It is noted that the agenda for the previous "voting-paper-only" committee meeting was not sent to all owners due to the urgency of confirming the appointment of the new lift contractors prior to the termination date of the previous lift contract on 30 June 2017. The formal approval of the new lift contract is dealt with later in this meeting.

TELECOMMUNICATIONS EQUIPMENT:

Robert Crosbie advised that he has been continuing negotiations with BigAir over their equipment and that he expects to receive a formal offer from BigAir over the next few weeks, which will then be distributed to the committee for comment.

CORRESPONDENCE:

The substantial volume of correspondence directed to owners and the strata committee received from [redacted] was tabled and discussed. Resolved that a formal response that is to be sent to all owners to refute the incorrect claims and personal accusations made by [redacted] is to be prepared. Further resolved that JS Mueller & Co are to be appointed to provide legal advice to the Owners Corporation as to its options for restraining [redacted] from publishing potentially defamatory material about strata committee members and others at an estimated cost of \$3,500 + GST. Further resolved that JS Mueller & Co are to be appointed to peruse [redacted] proposed general meeting motions at an estimated cost of \$1,750 + GST.

5 GAS CHARGES

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 included 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.)

The issue of gas supply and gas usage charges was also discussed. Waratah Strata Management were previously instructed to only reimburse gas usage and not gas supply charges. It has been raised by

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various owners that this is inconsistent with what previously occurred and amended Special By-Law 13. It was discussed that the unit owners only pay a supply charge for the gas used for hot water and not cooking, and that the townhouse owners should therefore also not pay the supply charges for their gas used for cooking. Resolved that the townhouse owners are to be reimbursed the gas supply and gas usage charges. Waratah Strata are to reimburse owners the gas supply charges on any previously claimed expenses as part of the next reimbursement paid.

The meeting was attended by six members of the committee, and strata managers Mr. Simon Wicks and Mr. Robert Crosbie. No other of 218 owners of properties attended.

SP52948 Extract from letter sent by three unfinancial committee members to owners on 21st July 2017

Gas heating connections

The historical charges to lot owners for additional gas points was discussed at the recent SC meeting. The strata manager advised that a thorough review of the BCS Strata Management 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. It was decided that a motion is to be included 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. In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totaling \$1,109.23, of which none relates to strata committee members. The committee do not believe the BCS 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 members.

Legality of Committee members

DB has made accusations that members of the SC have a conflict of interest when voting on matters of a financial nature. This is an absurdity. Of course the SC members have a financial interest in the building - that is why they are on the committee! To suggest that committee members cannot make an impartial decision that is in the best interests of the OC just because they also have a personal financial interest in the outcome of those decisions is offensive.

Invasion of privacy

A letter has been received by the SC from a resident objection to DB taking photographs of her residence. He has also been seen searching through Recycle Bins on the property. Residents are advised to shred all personal documents disposed of in the recycle bins.

DB has also conducted an inspection of the OC records held by the strata manager (as all owners are entitled to do), but has then disclosed personal information in his emails to owners. Legal advice is currently being obtained to advise the SC how to legally prevent this behaviour.

General Behaviour

DB has previously made accusations to the Police against past and present members of this committee and employees of the Building Manager. On Police examination of his claims they dismissed his charges as baseless.

However DB is at present facing a charge of assault against one of the employees of the Building Manager.

In Summary

The strata committee apologise for having to provide owners with this lengthy correspondence but cannot let the accusations being distributed by Dusan Baljevic go unanswered. Your strata committee are all owners who freely volunteer their time for the benefit of your Owners Corporation. This is often a thankless task which the committee do for the benefit of all owners and they do not appreciate their work being denigrated and their personal names and reputations being besmirched by one owner.

The committee cannot stop DB sending you his correspondence, but you can instruct him to stop sending you his emails. You are encouraged to ignore his misinformed, inaccurate and twisted version of events. If you have any personal concerns about the management of the property, please send them directly to Waratah Strata Management, who will raise them with the strata committee, so you can be provided with accurate information in response.

Correspondence such as that being distributed by DB has a serious impact on the harmony within the property and the value of your units. Any prospective purchaser of a unit within the building will carry out an inspection of the strata books and records. When those records disclose serious disharmony, many owners may choose not to purchase a unit in your building, reducing the competition from buyers and the price achieved.

From S Pogorelsky, owner of Unit 181, and member of the Strata Committee.

I refer you to Mr M Levitt's letter concerning [redacted] email of the 16th July 2017.

Mr Levitt has put across very well the facts which I am in agreement.

As far as the Gas Refunds are concerned, I personally am completely up to date with all my payments. I have supplied Mr Robert Crosbie of Waratah Strata an XL schedule of all my payments and any owner is at liberty to contact him for his confirmation.

May I encourage all owners to attend the Annual General Meeting scheduled in October 2017 so that we continue running Macquarie Gardens into the future in the best way possible.

From M Levitt, owner Unit 147, and member of the Strata Committee

On 16 July 2017 [unit 158] emailed:-

Based on all available documents and minutes of meetings, so far the conclusion that can be reached with reasonable level of confidence is that the four EC members alone (Mrs. Lorna Zelenzuk Lot 3, Mr. Upali Aranwela Lot 62, Mr. Moses Levitt Lot 147, and Mr. Stan Pogorelsky Lot 181) owe to owners corporation around \$10,000.00 (plus 10% interest applied in each year) in UNPAID GAS LEVIES for the period of at least 15 years. It also means they were UNFINANCIAL and could not make any decisions at general meetings.

[DB] has accused me previously in numerous emails of not having paid gas levies by extracting private invoices from Strata Records out of context. He has not bothered to show correspondence proving payment – why? He has also extracted data including voting papers pertaining to me from the Strata Records as attachments to his emails. Whilst this data is accessible to owners such data is not for publication and is a breach of privacy. Has any owner accessing Strata Records the right to publish extracted confidential information in any manner?

For the record I applied to the EC prior to installing a second gas connection, which was approved. From that date I was invoiced and have paid all accounts, including for the period 2012-2013 - which BCS invoiced late. All payments have been verified. All invoices received were paid timeously.

His calculation of \$10,000 owing is absolute rubbish as one can calculate that from the 15 years 2000 to 2014 had the four owners above paid $(13 \times \$50 = \$650) + (2 \times \$200 = \$400) = \text{Total of } \$1,050$, then the maximum could be $4 \times \$1,050 = \$4,200$. As I, and presumably others named, have paid, his comments are false and libellous.

This is indicative of the absolutely absurd numbers DB has over the years been dreaming up, that monies amounting to millions of dollars being owed or overspent. He continuously accuses Strata Committee members of fraud and secret machinations, belittling their efforts to maintain the high standard for the complex at minimal cost to owners which is evident in the current work being done.

In a letter to DB regarding his derogatory comments the Strata Managing Agent in March 2017 stated:-

It is my understanding that the following correspondence has been widely distributed to lot owners of SP 52948. I suggest that you use extreme caution in sending correspondence of this nature to other owners. This correspondence contains many statements that are false, misleading and possibly defamatory.

When you broadcast your opinions directly to other owners you leave yourself exposed to having a defamation action brought against you by other owners / committee members. Please cease distributing your emails in relation to your opinions on strata issues to other owners.

Despite the above and DB having been sued for damages by a previous member of the Strata Committee [an extremely costly exercise for DB] it is obvious that DB does not heed sound advice or learn from experience. Unless he desists from this practice he may find himself once again in court.

Response by Lorna Zelunzuk to allegations made by (DB).

While I do not believe that I should have to defend myself against allegations made by DB, I believe my right to privacy has been violated, some facts relating to myself have been misrepresented and others totally false.

1. Membership of EC Committee

- DB has failed to advise owners that he too was a member of the EC for some 10 years. Many of his allegations of inappropriate management of the Strata relate to years that he was a member of the EC.
- I was a member (and President of the Owners Corporate) for a short period prior to 1999 and only rejoined the committee approximately 6 months prior to the previous AGM (October 2016). Some of DB's allegations against me refer to the period that I was not on the EC and are therefore not valid.

2. Gas Levies

- All invoices issued to me in relation to gas levies have been paid.
- I take exception to the circulation of personal financial information to the wider Macquarie Gardens community about what I allegedly owe or do not owe to the Strata.
- DB alleges there was a conflict of interest in striking an increase of the gas levy by EC members as some of the EC members have a gas connection. This is false. A conflict of interest would only occur if the levies were reduced. In this case the gas levy was increased.

3. Special By Law #4

- The allegation that this by-law has been hidden is false. By-Law #4 appears in the list of Macquarie Gardens By-Laws.

When doing this alteration to our unit all due process was followed. A civil engineer inspected the property and issued a written report. The report was presented to the EC before approval was given.

- One of the conditions was that we take out Public Liability policy to the value of \$10,000,000.00. Over the years this has been increased and is currently worth \$20,000,000.00.
- DB alleges that we have been given "special" benefits to common property. This gives the impression that we have been given special rights to parts of the common property. This is false. This By Law related to our unit and as the exterior wall of our property is common property this is the extent of the special rights.

4. Legal Fees paid to defend Lot 3 (our apartment).

This is totally false. There were no fees incurred or any legal action required to 'defend' me on any matter.

5. Additional work to our unit - Sliding Door.

DB alleges that we have done additional work to Common Property. This is absolutely false. I resent these allegations. What he is referring to is correspondence to Waratah in which I ask what the process is to make changes. NO work has been carried out.

SP52948 Extract from minutes of committee meeting dated 28th of September 2017

Correspondence

has recently provided an updated 83 page document listing motions he requires to be placed on the agenda of the forthcoming AGM. These motions are currently being considered.

By-Law Review

The draft by-laws prepared by Jane Crittenden and Adrian Mueller are to be amended as discussed at the meeting by John Gore, redistributed to the committee and then provided to the solicitors to update as required. The amended by-laws will then be added to the AGM agenda.

4 AGM MOTIONS

Resolved that the following motions that are to be included on the AGM agenda:

Window Cleaning (as discussed above).

Proposed By-Laws (as discussed above).

Caretaker Contract: That the Owners Corporation enter into a new 3 year contract with Uniqueco Pty Ltd to provide caretaking services to the property.

The meeting was attended by six members of the committee, and strata managers Mr. Simon Wicks and Mr. Robert Crosbie. No other of 218 owners of properties attended.

BCS Strata Management enforcing secret gas levies on 1st of August 2016

(accounts only) GD Ref:

GENERAL DEBTOR REQUEST / CHARGE TO LOT

SP 52948

Body Corporate for

****If charge is to be allocated to lot please complete below****

Lot No (if applicable):

Authorization between body corporate and owner of lot.

YES

NO

Name of Debtor

10TS. 147, 148, 163, 167, 181, 182, 3, 59, 62

Address for notice*

68, 102, 127, 144

Contact (ph/email)

Amount (Excl. GST)*

\$ 100

GST*

\$ 10

Total Payable (Incl. GST)*

\$ 110

Date for payment

1/18/16

Charge Description (to appear on notice)
(max characters - 20)

Gas line charges
2012 + 2013

SP52948 Agenda sent to owners for Annual General Meeting on 10th of October 2017

12 OVERDUE LEVIES & PAYMENT PLANS

12.1 That should any owner, mortgagee in possession or former owner of a lot not pay contributions by their due date in relation to a lot, that the strata managing agent be authorised to take proceedings on behalf of the owners corporation for the recovery of overdue contributions, on the following basis:

- (1) Issue Reminder Letter after amount more than 31 days overdue and over \$200
- (2) Issue Final Warning Letter after amount more than 64 days overdue and over \$200
- (3) Issue Commence Legal Action Letter after amount more than 94 days overdue and over \$500.
- (4) At least 21 days after 'Commence Legal Action' letter issued, if the owner, mortgagee in possession or former owner has not made payment of any outstanding amount in accordance with the reminder letters sent by the strata managing agent, the strata managing agent be instructed to engage Le Page Lawyers to:

(A) Prepare and issue to any relevant lot owner, mortgagee in possession or former lot owner a notice of proposed action to recover by way of proceedings in a court of competent jurisdiction on behalf of the owners corporation setting out:

- (a) The amount of the contribution, interest or expenses sought to be recovered;
- (b) The proposed recovery action by way of proceedings in a court of competent jurisdiction;
- (c) The date the contribution was due to be paid;
- (d) Whether a payment plan may be entered into in accordance with section 85(5) of the Strata Schemes Management Act 2015; and
- (e) Any other action that may be taken to arrange for payment of the contribution;

(B) Le Page Lawyers be engaged and instructed to:

- (a) Provide advice regarding recovering outstanding contributions;
- (b) Commence, maintain, defend or discontinue court proceedings against any lot owner, mortgagee in possession or former lot owner where outstanding contributions are due in relation to the relevant lot;
- (c) Take legal action to recover unpaid contributions, interest on unpaid contributions or related expenses by enforcing any judgment obtained including:
 - (i) Obtaining any necessary writ(s) for the levy of property; and
 - (ii) Obtaining any necessary garnishee order(s).

(Note: costs associated with the recovery of overdue levies are usually recovered from the respective lot owner.)

12.2 That the owners corporation will not agree to enter into payment plans as specified in section 85 (5) of the Strata Schemes Management Act 2015 for the payment of overdue contributions.

12.3 That the strata managing agent, under the direction of the Strata Committee, will be permitted to enter into informal, short-term late levy payment arrangements with lot owners when necessary, subject to:

- (i) interest being charged in accordance with the Strata Act;
- (ii) payments being made to clear levy arrears within a reasonable time period;
- (iii) agreed payments being made on time;
- (iv) the strata manager or Strata Committee being able to revoke the payment arrangement and commence legal proceedings at any time without further notice should the levy arrears not be cleared within a reasonable time or the arrangement being breached by the lot owner.

[Explanatory Notes:

1. Section 86 of the Strata Schemes Management Act 2015 states that an owners corporation must not take debt recovery action unless it has given notice to the person against whom the action is to be taken at least 21 days' notice of the action.
2. Section 12 of the Strata Schemes Management Act 2015 provides that the owners corporation for a strata scheme may employ such persons as it thinks fit to assist it in the exercise of any of its functions. Further, the owners corporation must ensure that any person so employed has the qualifications if any required by the Act or any other law for the exercise of that function.
3. The fee proposal from Le Page Lawyers is available from the Strata Manager upon request]

15 APPOINTMENT OF STRATA MANAGING AGENT

That **Waratah Strata Management** (herein called 'the Agent') be appointed as the Managing Agent of

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the Owners Corporation in Strata Plan 52948 and that any two owners or Strata Committee members be authorised to sign the Management Agreement tabled at the Meeting on behalf of the Owners Corporation and further to attest the affixing of the common seal on that agreement, which agreement incorporates instruments pursuant to section 49(1) of the Strata Schemes Management Act 2015 appointing the Agent and delegating all the functions of the Owners Corporation and its Strata Committee and the Chairman, Secretary and Treasurer of the Strata Committee and of the Owners Corporation, other than the power to do anything referred to in section 52(2) of the Act.

[Explanatory Note: Due to the changes to the Strata Act, Waratah Strata Managements current monthly rollover agreement is no longer permitted, so we are required to enter into a new agreement with your owners corporation. Section 50 of the Strata Schemes Management Act 2015 restricts management agreements to a maximum term of 3 years from the date of appointment and requires the owners corporation to be notified at least 3 months before the end of the agreement. The proposed agreement is for 2 - 2 1/2 years to allow the agreement to be discussed and renewed at every second Annual General Meeting. A copy of the management agreement will be tabled at the meeting or is able to be provided by email upon request.]

22 LIMITS ON SPENDING BY LARGE SCHEMES

That the Owners Corporation resolve to remove the limitation imposed by section 102(2) of the Strata Schemes Management Act 2015 generally or in relation to any particular item.

[Explanatory Note: Section 102(2) of the Strata Schemes Management Act 2015 imposes a restriction on large strata schemes that it must not spend on an item or matter an amount greater than the amount specified for the item or matter (plus 10%) in estimates provided for that item or matter at an annual general meeting. The owners corporation is able to remove this restriction generally or in relation to any particular item or matter.]

23 CARETAKER CONTRACT

That the Owners Corporation enter into a new 3 year contract with Unique Co Pty Ltd to provide caretaking services to the property, with the strata committee authorised to negotiate acceptable contract conditions.

Note: [REDACTED] submitted 76 additional motions which were reviewed by strata lawyers on behalf of the Owners Corporation. The solicitors advice was that the additional motions provided were not compliant with the requirements of strata legislation and were therefore not required to be included in this agenda.

SP52948 Extract from Agenda for committee meeting in February 2018 which was not sent to Lot 158 – the meeting gave appearance of fairer share of costs for gas service and supply charges

Amendment to Special by-law 13.

ISSUE

The new proposed Special by-law 13 deferred from the AGM changes the existing arrangements regarding the reimbursement of gas service/supply charges to townhouse owners.

BACKGROUND

Units and townhouses are different in the way water and gas is provided and paid for. For units:

1. each pays its own water and sewerage bill but not the water consumption
2. each pays its own hot water bill including a service charge
3. the gas cooking usage and related supply/service charge is paid by strata
4. with an additional gas outlet, an additional fee of \$200 plus GST is paid to strata.

Town houses:

1. pay their own water and sewerage including water usage
2. pay their cooking gas bill including usage and supply/service fee
3. with additional gas outlets pay their own bill and are not eligible for any reimbursements

The existing *Amendment to Special By-law 13* makes the "exception" that allows the gas service fee to be reimbursed to townhouse owners in addition to reimbursement for water and cooking gas consumption. The payment of this fee, on submission of a claim, was paid up until the commencement of Waratah Strata who on advice interpreted this matter differently and reduced townhouse reimbursement submissions by the amount of this fee.

The 20 July Strata Management Committee Meeting discussed this matter and reaffirmed the original position and the Strata Manager agreed to reimburse townhouse owners who had made claims and had them reduced.

When preparing the amendments to the By-laws for the AGM, a lawyer was engaged to construct the wording and in her report indicated that she did not understand the arrangements regarding gas equalisation costs and although members of the committee prepared a new version it did not make the agenda for this meeting but was presented by John Gore.

At the AGM a number of unit owners questioned this proposed amendment to maintain the status quo indicating that they believed that each unit owner paid the service fee for gas with their hot water accounts and that townhouse owners should therefore pay their cooking gas service fees.

After discussion, the meeting decided to defer the proposed motion for Special By-Law 13 and the proposed John Gore amendment so that members of the strata committee could investigate all the relevant accounts to clarify the situation.

COMMENT

On investigation (refer below *Gas payments 2017*) it was found that:

- Unit owners pay a gas service/supply charge monthly on their hot water of near \$20 or \$240 per annum.
- Townhouses owners pay a service/supply fee of around \$52 a quarter or over \$200 a year which for the 25 townhouses is over \$4000 a year.
- Strata pays the gas usage for five outlets (one for each of the four blocks and another for the pool) and the service/supply charge is over \$1200 in total or about \$5 per unit per annum once the common property (pool) is taken out of the equation.

Although townhouse owners are disadvantaged by having limited gas services (cooking) for their high service/supply charge, the unit owners are similarly disadvantaged by having limited gas services (hot water) for their even higher service/supply charge.

Like the units, the townhouses benefit from strata payments for common services (e.g. spa and pool) and it could be considered unreasonable and privilege for strata to pay the townhouse gas service/supply fees. If complete monetary equality was to be sought, then townhouses could be given an annual discount of \$5 (the cost of the gas cooking supply/service fee for each unit). This action would be administratively costly.

It is proposed that according to the existing Special By-Law 13 which allows the strata committee to act in "absolute discretion" and "reasonably" (e. In the event of a dispute over reimbursement the Owners Corporation shall determine the amount to be paid in its absolute discretion acting reasonably;) that the intent of the proposed Crittenden by-law amendment be implemented immediately and moved formally at the next General Meeting or AGM.

The implication here is that any townhouse owners seeking gas service fee reimbursements for the current quarter (from January 2018) and subsequently be denied.

RECOMMENDATION

That Amendment to Special By-Law 13 be as proposed by Crittenden be implemented immediately and moved formally at the next General Meeting or AGM.

Sharing of Water and Gas Costs

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and by-laws it shall have the following additional powers, authorities, duties and functions:

1. *Determine a fair and equitable method of sharing gas and water charges amongst all lot owners;*

Gas payments 2017

Units 1-48 (two additional outlets) A/c No 1837360000

Date	Payment	Service/supply charge
30/1	576	58
8/5	624	49
3/8	798	63
26/10	1254	58
Total	3252	228

UNITS 49-97 (3 additional outlets) A/c No 8435260000

Date	Payment	Service/supply charge
27/3	515	59
22/6	704	57
21/9	1208	58
Total	2427	174

Additional account for 49-97 (most likely the pool) A/c No 4358260000

Date	Payment	Service/supply charge
27/3	2704	61
26/6	5449	58
22/9	8070	58
Total	16113	177

Units 98-145 (3 additional outlets) A/c No 0596360000

Date	Payment	Service/supply charge
26/6	796	58
21/9	1440	58
Total	2236	116

UNITS 146-193 (6 additional outlets) A/c No 1012360000

Date	Payment	Service/supply charge
27/3	284	59
20/6	1053	83
21/9	2729	58
Total	4066	200

SP52948 Extract from minutes of committee meeting dated 15th of February 2018

- By-Law Review - Renovations: Resolved the strata manager is to request a fee proposal from Crittenden Lawyers to prepare new by-laws to cover unit renovation works, including replacing kitchens, bathrooms & laundries, installing air conditioners and installing hard floor coverings. The by-law should include retrospective approval for any of these works already carried out.
- By-Law 13: Resolved that following a review of the current reimbursement of townhouse gas and water usage charges, it was resolved that only the gas and water usage charges would be reimbursed and not the service availability charges. Further resolved that the amendments to By-Law 13 previously prepared by Crittenden Lawyers are to be included on the next available general meeting agenda for approval by the Owners Corporation.
- Email from Kisung Ha, owner of Unit 194 regarding installation of a gas hot water system - Resolved that the committee confirm that should any additional gas appliances be installed, such as a hot water system, the lot owner would no longer be entitled to reimbursement of their gas usage costs due to the difficulty in assessing the amount of the gas used by each appliance and that only cooking gas was intended to be reimbursed by By-Law 13.

The meeting was attended by six members of the committee, three owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 12th of April 2018

- By-Law Review - Crittenden Lawyers are to be requested to provide a consolidated set of all by-laws (existing and proposed) so this document can be reviewed by the committee prior to the next meeting.

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- By-Law 13 - As for previous item.
- Unit 134 Computers - Following responses from Council, the strata electrical contractor and the strata fire services contractor, no further action is to be taken at this time.

4 GENERAL BUSINESS

Resolved that following general business items were raised and discussed:

GAS USAGE CHARGES

The strata manager is to prepare a document that summarises:

- which lots have additional gas points for heating and are to be charged the \$220 annual fee for the extra gas usage (this "Additional Gas Point Fee" is for the period 1/9 - 31/8 each year and is to be charged around 1 May each year).
- which townhouse lots are entitled to claim for gas usage charges
- which townhouse lots have additional gas points (hot water or heating) and are not entitled to claim for gas usage (A letter is to be sent to those lot owners to advise they will not be charged the Additional Gas Point Fee, but cannot claim for gas usage costs)
- which townhouse lots do not have any gas connection and so do not claim for gas usage
- which townhouse lots are entitled to claim for water usage

POLICE COMPLAINT

The strata manager advised that he had been contacted by Eastwood Police about a complaint lodged with them by [REDACTED] about alleged illegal activity during BCS management of the property.

The strata manager advised that he had provided the Police with the USB containing BCS archive records so they could inspect any relevant documents. Resolved the strata manager is to provide the Police with a copy of the Deed of Settlement and Release between SP 52948 and [REDACTED] dated 13 February 2014, a copy of the CTTT Orders dated 6 November 2013 and a copy of the relevant meeting minutes recording those matters.

The meeting was attended by six members of the committee, two owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 21st of June 2018

- By-Law Review - The draft by-law prepared by Jane Crittenden Lawyers to replace Special By-Law

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13 to deal with gas and water reimbursements has been accepted by the committee and is to be included on the next AGM agenda for consideration by the Owners Corporation. Crittenden's are also to provide a consolidated set of all by-laws that can be tabled at the AGM.

The meeting was attended by six members of the committee, one owner, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 13th of September 2018

- Email from Rob Brown (Lot 209) regarding appearance of townhouses and removal of lattice - No change to the lattice is to be made.
- Emails from [REDACTED] (Lot 158) to owners - It is noted that [REDACTED] is continuing to send lengthy emails to some owners with his grievances against the current and previous strata committee members and against the current and previous strata managers. The committee have made a decision, in accordance with Special By-Law 14 - Unreasonable Communications, that it will ignore these communications and waste no more of the strata committees time or the Owners Corporations funds in legal fees to respond to these matters. Owners are requested to pass any concerns they may have with [REDACTED] correspondence on to the strata manager so these can be raised with the strata committee.
- Email from Rose Yeung (Lot 213) regarding common area lighting - Steve Carbone is to arrange an electrician to attend the property at night to inspect the area adjoining townhouse 212 to see whether any additional lighting is required.

The meeting was attended by five members of the committee and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

SP52948 Extract from agenda for Annual General Meeting 2018

15 CONSOLIDATION OF BY-LAWS

The Owners Corporation resolves to register a Consolidation of By-Laws form at NSW Land Registry Services in the form annexed to the notice of meeting and marked with the letter "X".

16 LOT 90 ARREARS CHARGES

That the correspondence from Mr Pradeep K Baisani, owner of Lot 90, requesting interest charges and arrears fees be waived be tabled and a decision made whether to agree to that request.

17 TOWNHOUSE LATTICE

That the correspondence from Mr Rob Brown, owner of Lot 209, to remove and replace the townhouse carport lattice be tabled and a decision made on that proposal.

18 LOT 158 MOTIONS

That the attached motions provided by the owners of Lot 158 be tabled at the meeting and voted on.

19 LOT 158 MOTIONS MUELLERS LEGAL ADVICE

That the advice of JS Muellers Solicitors on the Lot 158 motions be tabled at the meeting and a decision made whether to commence legal proceedings against the owners of Lot 158.

SP52948 Extract from Minutes of Annual General Meeting on 18th of October 2018

15 CONSOLIDATION OF BY-LAWS

The Owners Corporation resolves to register a Consolidation of By-Laws form at NSW Land Registry Services in the form annexed to the notice of meeting and marked with the letter "X", subject to Special By-Law 6 being repealed.

16 LOT 90 ARREARS CHARGES

Resolved that the correspondence from Mr Pradeep K Baisani, owner of Lot 90, requesting interest charges and arrears fees be waived was tabled and a decision made not to agree to that request.

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17 TOWNHOUSE LATTICE

Resolved that the correspondence from Mr Rob Brown, owner of Lot 209, to remove and replace the townhouse carports lattice was tabled and a decision made not to agree to that proposal.

18 LOT 158 MOTIONS

The motions provided by the owners of Lot 158 were tabled. Resolved that as the owners of Lot 158 had submitted 83 pages of motions for the 2017 AGM and 61 pages of motions for the 2018 AGM and that as a substantial number of the motions were the same or similar each year, the correspondence was deemed to be in breach of Special By-Law 14 - Unreasonable Communications, in that they are considered unreasonable due to the content (defamatory, offensive or otherwise), volume, length or duration, or frequency of the communications. The proposed motions were therefore not considered or approved.

19 LOT 158 MOTIONS MUELLERS LEGAL ADVICE

The advice of JS Muellers Solicitors on the Lot 158 motions were tabled at the meeting.

The strata manager advised that [REDACTED] co-owner of Lot 158 had between 2011 and 2014 lodged 3 separate Adjudication applications against the Owners Corporation, which were all lost by Lot 158; had lodged 3 Consumer Trader Tenancy Tribunal (CTTT) applications appealing the Adjudication decisions, which were all lost by Lot 158; had lodged a District Court application appealing the CTTT decision, which was withdrawn by Lot 158, and then entered into a Deed of Settlement with the Owners Corporation agreeing to cease any further proceedings and to pay the Owners Corporation \$17,700 of its costs, in addition to an earlier \$8,800 costs order from CTTT.

It was discussed whether to seek legal advice to determine whether Lot 158 is in breach of that Deed of Settlement by continuing to publicly distribute serious allegations against the Owners Corporation, past and present members of the strata committee, its past and present strata managing agents, and past and present employees of the strata managing agents.

[REDACTED], co-owner of Lot 158, committed to cease all correspondence from Lot 158 to the Owners Corporation, the strata committee, lot owners and the strata managing agents unless it is an issue directly affecting Lot 158.

Resolved that legal advice on the above issues is not to be commenced at this time, however the strata committee are authorised to seek legal advice at any time should the owners of Lot 158 breach the commitment to cease all correspondence unless it is an issue directly affecting Lot 158.

SP52948 Letter allegedly sent by Waratah Strata Management to owners on 12th of March 2019 – without disclosure of paid ransomware and large losses of strata files

Waratah Strata Management failed to provide owners with full details of the alleged ransomware attack:



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

12 March 2019

Strata Owners

Dear Sir/Madam,

RE: WARATAH STRATA MANAGEMENT – IT INCIDENT

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

SP52948 Extract from minutes of committee meeting dated 21st of March 2019

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.)

- Lot 158 correspondence - Multiple email correspondence from the owners of Lot 158 was tabled. Apart from issues dealt with elsewhere in these minutes, no further action is to be taken.
- Smoke alarms in units - It is noted that the smoke alarms inside each unit are the lot owners

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responsibility to service and replace as required. It is further noted that a small number of smoke alarms within units were replaced during the BCS management period, but that was incorrect practice and has not continued under Waratah Strata's management.

6 GENERAL BUSINESS

The following general business items were raised and discussed:

- By-Laws - A copy of the current by-laws are to be distributed to all committee members.
- House Rules - John Gore is to revise the House Rules to reflect the use of the swimming pool and tennis courts.
- Strata Manager - Waratah Strata Management advise that Frank Tallaridi has been appointed as the primary strata manager for the property. Robert Crosbie will continue to assist Frank and the strata committee as required and will chair the committee and general meetings.

The meeting was attended by seven members of the committee, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

2 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed as follows:

- The strata manager is to recode various expenses to the correct account code, including some gas charges and a Uniqueco invoice.
- Gas Charges - The strata manager confirms that the charges for the additional gas points for the

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Minutes Page 1 of 2

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.

4 CORRESPONDENCE

Resolved that correspondence received was tabled and discussed as follows:

- Letter from Ryde Council regarding owner complaint to Fire and Rescue NSW about ongoing maintenance issues for fire safety - An owner has lodged a complaint with Fire and Rescue NSW about fire issues at the property. That complaint was passed on to Ryde Council to investigate. An inspection has been carried out by Ryde Council, but no written response has been received advising of the outcome of that inspection as yet.
- Email from Lot 158 regarding use of Council land for parking and smoking - No further action to be taken.
- Email from Lot 158 regarding Treasurers position and lost BCS USB - No further action to be taken.
- Email from Lot 158 to Thomas Karolewski concerning gas charges, 1999 to 2016 - It is noted that this matter was raised before by the owner of Lot 158. To avoid breach of Special By -Law 13 Unreasonable Communications, owners are advised to direct all communication via the Strata Manager. It is also noted that the 2018 treasurers appointment was specifically for the functional purpose of the strata committee, reporting only to the committee during that tenure. It is also noted that the functions of the treasurer are delegated to Waratah Strata Management in their management agreement.

The meeting was attended by six members of the committee, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 20th of June 2019

- Resident complaint to Ryde Council & Fire & Rescue NSW - Ryde Council have conducted an inspection of the fire equipment in the building following an owner complaint to Council. Council provided a list of items that were attended to by the building managers.
- Email from Ryde Council regarding maintenance of adjoining parkland - Jeffrey Wang and John Gore are to raise this issue with the Ward Aldermen from Ryde Council.
- Fee proposal from JS Mueller & Co (Lawyers) to review correspondence from Lot 158 since 2018 AGM and provide legal advice - Resolved that the fee proposal from JS Mueller to provide legal advice on the correspondence that has been distributed to owners by the owners of Lot 158 since the 2018 AGM is accepted. Waratah Strata Management and Uniqueco (Building Managers) have each agreed to contribute 1/3 of the cost of this legal advice.
- Draft letter to owners - A letter is to be sent to all owners to refute statements that have been made by the owners of Lot 158.
- Correspondence from Lot 158 - All correspondence received from the owners of Lot 158 is to be referred to JS Mueller as part of the legal review and whether it is in breach of the "Unreasonable Communications" by-law.

The meeting was attended by seven members of the committee, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

SP52948 Extract from minutes of committee meeting dated 5th of September 2019

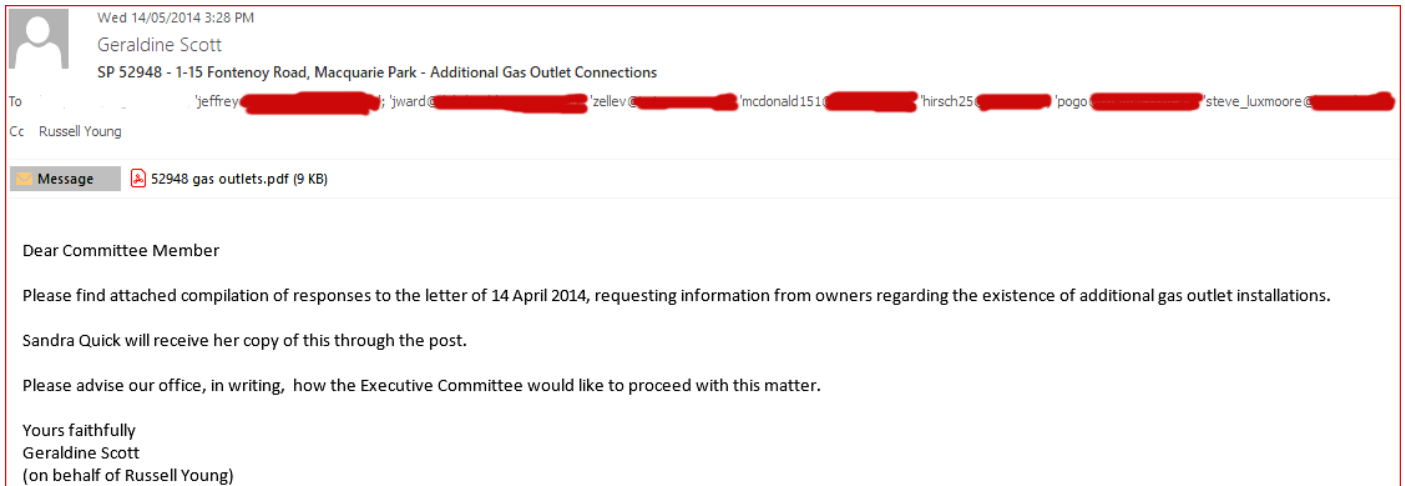
3 MATTERS ARISING FROM PREVIOUS MEETING

The following matters arising from the previous meeting were discussed as follows:

- 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.
- Legal Advice regarding Lot 158 - Resolved that a motion is to be included on the 2019 AGM agenda requesting Owners Corporation approval to allocate a budget of \$150,000 to appoint a barrister to commence defamation proceedings against The strata committee discussed that the substantial number of emails being publicly distributed by ! ; and retained within the Owners Corporations records have raised serious allegations against various owners in their capacity as strata committee members; are likely to cause significant negative impact on the value of all units due to the perceived disharmony discouraging potential buyers; and that the Owners Corporation cannot allow this to continue without commencing this legal action.

The meeting was attended by five members of the committee, two owners, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

BCS Strata Management conducted first ever audit of second gas connections in SP52948 on 13th of May 2014



Only three owners listed:

62, 147, 181

All three members of EC at one time or another, where Lot 62 failed to declare the date of gas installation. Evidence exists that it started as early as year 1999.

Lot 3 failed to declare gas connection.

All three of them were paying \$55.00 per year whilst the prescribed levy was \$220.00 per year (figures include GST).

Three other owners actually admitted having second gas connection but BCS Strata Management failed to report it:

182, 192, 213

There is evidence that Lot 182 was owned by Mr. Chow from at least 2009, which means that at least since that year the owner of that property did not pay levies for second gas connection until 2016.

There is evidence of Lot 192 paying PARTIAL gas levies in amount of \$55.00 per year in 2007 (he was an EC member at the time).

New owners of Lot 192 continued to pay partial gas levies in few following years.

**SP 52948 - 1-15 Fontenoy Road, Macquarie Park
as of 13/ 5/ 14**

Lot No	Owner's Name	Gas Outlet			Info Provided By
		No	Yes	Installation Date	
15	Marlene Baskin	✓			Mr Swartzberg, owner's father
21		✓			Corinne from NNW Property
49	John G Ward	✓			owner
57	John G Ward	✓			owner
58		✓			Corinne from NNW Property
62	Upali Aranwela		✓	with approval & already paying strata for this	owner
63	Yujun Dong	✓			owner
85		✓			Corinne from NNW Property
89		✓			Corinne from NNW Property
91	Jack Tao	✓			owner
95	Wie, Bing Qing	✓			owner
99	M Fiore	✓			owner
111		✓			Corinne from NNW Property
112	Carlos Fomieles Montoya	✓			owner
118	S N Majlessi	✓			owner
120		✓			Corinne from NNW Property
132	T Carlton	✓			owner
136	Timothy & Susan Kemsley	✓			owner
137	Timothy Kemsley	✓			owner
146	Robin Lupton	✓			owner

**SP 52948 - 1-15 Fontenoy Road, Macquarie Park
as of 13/ 5/ 14**

Lot No	Owner's Name	Gas Outlet			Info Provided By
		No	Yes	Installation Date	
147	Mo Levitt		✓	May 2001 & paying annual levy since this date	owner
150	Diedre J Niar	✓			owner
151	Maureen McDonald	✓			owner
160	Prof Harry G Poulos	✓			owner
181	Stan & Tessa Pogorelsky		✓	1999	owner
188		✓			Corinne from NNW Property
190	Keiron Poulos	✓			owner
191		✓			Corinne from NNW Property
201	Ziba Zohrehvandi	✓			owner
205	Sun Min Hwang	✓			owner
216		✓			Annie Barrow from Shead Property

Building Manager Steve Carbone conducted incomplete audit of second gas connections on 21st of March 2016



Mon 21/03/2016 5:07 PM

scarbone@

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
Uniquenco Property Services

Macquarie Gardens
1-15 Fontenoy Road
NORTH RYDE NSW 2113

MOBILE: 0412 152 948

Email sent using Optus Webmail

DATE, PLACE & TIME OF MEETING: A meeting of the Executive Committee of The Owners - Strata Plan 52948 was held on 16/03/2017 07:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Yes	Lorna Zelunzuk
88	88	Yes	Marianna Paltikian
112	112	Yes	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore (following election to strata committee)
218	218	Apology	Jeffrey Wang

IN ATTENDANCE: John Gore (until elected to strata committee)
Thomas Karolewski (21)
Simon Wicks - Waratah Strata Management
Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting): Robert Crosbie

14 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.

Secretary of the EC, Mrs. Lorna Zelunzuk, and with delegated privileges of Secretary Mr. Robert Crosbie from Waratah Strata Management, failed to enforce SSMA 2015 Clause 18 for:

Mr. Stan Pogorelsky
Mr. Moses Levitt
Mrs. Lorna Zelunzuk
Mrs. Marianna Paltikian

The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

SP52948 Minutes of EC meeting held on 20th of April 2017

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 20/04/2017 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Apology	Lorna Zelunzuk
112	112	Yes	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore
218	218	Apology	Jeffrey Wang

IN ATTENDANCE: Thomas Karolewski (21)
Bing Gong (45)
George Gong (82)
Peter & Barbara Yeend (148)
Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting): Robert Crosbie

Gas Connection Charges - The committee have attempted to implement a fair & just system for all owners for the charging of gas supply. They are entitled to adjust these arrangements from time to time as required.

Secretary of the EC, Mrs. Lorna Zelunzuk, and with delegated privileges of Secretary Mr. Robert Crosbie from Waratah Strata Management, failed to enforce SSMA 2015 Clause 18 for:

Mr. Stan Pogorelsky
Mr. Moses Levitt
Mrs. Lorna Zelunzuk
Mrs. Marianna Paltikian

A member of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015 Clause 18(1) of Schedule 2). The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

SP52948 Minutes of EC meeting held on 20th of July 2017

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 20/07/17 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Apology	Lorna Zelunzuk
88	88	Yes	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE:

Upali Arawela (62)
Zelda Levitt (147)
Simon Wicks - Waratah Strata Management
Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting):

Robert Crosbie

5 GAS CHARGES

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 included 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.)

The issue of gas supply and gas usage charges was also discussed. Waratah Strata Management were previously instructed to only reimburse gas usage and not gas supply charges. It has been raised by

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various owners that this is inconsistent with what previously occurred and amended Special By-Law 13. It was discussed that the unit owners only pay a supply charge for the gas used for hot water and not cooking, and that the townhouse owners should therefore also not pay the supply charges for their gas used for cooking. Resolved that the townhouse owners are to be reimbursed the gas supply and gas usage charges. Waratah Strata are to reimburse owners the gas supply charges on any previously claimed expenses as part of the next reimbursement paid.

Secretary of the EC, Mrs. Lorna Zelenzuk, and with delegated privileges of Secretary Mr. Robert Crosbie from Waratah Strata Management, failed to enforce SSMA 2015 Clause 18 for:

Mr. Stan Pogorelsky
Mr. Moses Levitt
Mrs. Lorna Zelenzuk
Mrs. Marianna Paltikian

A member of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015 Clause 18(1) of Schedule 2). The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

SP52948 Minutes of EC meeting held on 28th of September 2017

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 28/09/17 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Yes	Lorna Zelunzuk
88	88	Yes	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Apology	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore
218	218	Apology	Jeffrey Wang

IN ATTENDANCE: Robert Crosbie - Waratah Strata Management
Simon Wicks - Waratah Strata Management

CHAIRPERSON (acting): Robert Crosbie

Correspondence

[REDACTED] has recently provided an updated 83 page document listing motions he requires to be placed on the agenda of the forthcoming AGM. These motions are currently being considered.

By-Law Review

The draft by-laws prepared by Jane Crittenden and Adrian Mueller are to be amended as discussed at the meeting by John Gore, redistributed to the committee and then provided to the solicitors to update as required. The amended by-laws will then be added to the AGM agenda.

Secretary of the EC, Mrs. Lorna Zelenzuk, and with delegated privileges of Secretary Mr. Robert Crosbie from Waratah Strata Management, failed to enforce SSMA 2015 Clause 18 for:

Mr. Stan Pogorelsky
Mr. Moses Levitt
Mrs. Lorna Zelenzuk
Mrs. Marianna Paltikian

A member of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015 Clause 18(1) of Schedule 2). The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

SP52948 Minutes of EC meeting held on 12th of April 2018

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 12/04/2018 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Apology	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore
218	218	Apology	Jeffrey Wang

IN ATTENDANCE: Upali Arawela (62)
Kisung Ha (194)
Robert Crosbie - Waratah Strata Management

GAS USAGE CHARGES

The strata manager is to prepare a document that summarises:

- which lots have additional gas points for heating and are to be charged the \$220 annual fee for the extra gas usage (this "Additional Gas Point Fee" is for the period 1/9 - 31/8 each year and is to be charged around 1 May each year).
- which townhouse lots are entitled to claim for gas usage charges
- which townhouse lots have additional gas points (hot water or heating) and are not entitled to claim for gas usage (A letter is to be sent to those lot owners to advise they will not be charged the Additional Gas Point Fee, but cannot claim for gas usage costs)
- which townhouse lots do not have any gas connection and so do not claim for gas usage
- which townhouse lots are entitled to claim for water usage

Secretary of the EC Mr. Robert Crosbie from Waratah Strata Management, failed to enforce SSMA 2015 Clause 18 for:

Mr. Stan Pogorelsky
Mr. Moses Levitt

A member of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015 Clause 18(1) of Schedule 2). The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

SP52948 Minutes of EC meeting held on 21st of June 2018

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 21/06/2018 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Yes	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Apology	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore
218	218	Apology	Jeffrey Wang

IN ATTENDANCE: Arpenik Vartazarian (92)
Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting): Robert Crosbie

- **By-Law Review - The draft by-law prepared by Jane Crittenden Lawyers to replace Special By-Law**

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13 to deal with gas and water reimbursements has been accepted by the committee and is to be included on the next AGM agenda for consideration by the Owners Corporation. Crittenden's are also to provide a consolidated set of all by-laws that can be tabled at the AGM.

Secretary of the EC Mr. Robert Crosbie from Waratah Strata Management, failed to enforce SSMA 2015 Clause 18 for:

Mr. Stan Pogorelsky
Mr. Moses Levitt
Mrs. Marianna Paltikian

A member of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015 Clause 18(1) of Schedule 2). The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

SP52948 Minutes of EC meeting held on 13th of September 2018

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 13/09/2018 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Yes	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Apology	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Apology	John Gore

IN ATTENDANCE: Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting): Robert Crosbie

- Emails from Dusan Baljevic (Lot 158) to owners - It is noted that Dusan Baljevic is continuing to send lengthy emails to some owners with his grievances against the current and previous strata committee members and against the current and previous strata managers. The committee have made a decision, in accordance with Special By-Law 14 - Unreasonable Communications, that it will ignore these communications and waste no more of the strata committees time or the Owners Corporations funds in legal fees to respond to these matters. Owners are requested to pass any concerns they may have with Dusan Baljevic's correspondence on to the strata manager so these can be raised with the strata committee.

Secretary of the EC Mr. Robert Crosbie from Waratah Strata Management, failed to enforce SSMA 2015 Clause 18 for:

Mr. Stan Pogorelsky
Mr. Moses Levitt
Mrs. Marianna Paltikian

A member of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015 Clause 18(1) of Schedule 2). The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015 Clause 18(4) of Schedule 2).

Strata Plan No 52948

CONFIDENTIAL TO OWNERS

Income and Expenditure History and Budget for 2017

Years ending 31st August

*Latest year 2016 is before audit completed

d:\topbox\my documents\strata - personal\sp 52948 macquarie gardens\sp 52948 - accounts and budgets\strata plan 52948 - accounts and budgets 2017 working copy.xlsx\2017

Administration fund	Actual income and expenditure per audited accounts*					Compared to approved budget			Next year BUDGET 2017
	2012	2013	2014	2015	2016	2016	Var \$	Var %	
INCOME									
Levies	658,905	751,717	749,208	757,498	768,333	768,300	33	0.0	786,700
Interest	976	810	785	988	733	1,000	(267)	(26.7)	1,000
Key deposit	2,206	4,744	3,402	2,658	438	2,000	(1,562)	(78.1)	2,000
Insurance claims & reimbursements	2,449	14,031	445	6,234	4,955		4,955		
Levy collection fees	1,220	400	1,095	750		1,000	(1,000)	(100.0)	1,000
Other income	2,748	2,888	2,110	1,885	897	1,000	(103)	(10.3)	1,000
Total Administration Fund income	668,506	774,090	757,044	769,091	775,356	773,300	2,056	0.3	791,700

SP52948 Notice for AGM 2018 on 18th of October 2018 sent by Waratah Strata Management

Waratah Strata Management claimed that \$3,600.00 was earned from owners with second gas connection in FY 2017 and \$2,537.54 in FY 2018.

The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017:

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.

In spite of all efforts, Mr Robert Crosbie refuses to provide information of which owners paid levies for second gas connection in FY 2018:

WARATAH Strata Management	Income & Expenditure Report for the financial year to 31/08/2018			Waratah Strata Management ABN 75 161 033 745 PO Box 125, Eastwood, NSW 2122 Ph (02) 9114 9599 Fax (02) 9114 9598 www.waratahstrata.com.au
Strata Plan 52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113			
Administrative Fund				
	Current period	Annual budget	Previous year	
	01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017	
Revenue				
Gas - Additional Service	2,537.54	3,400.00	3,600.00	

In regards to water and gas reimbursements for private water and gas usage in townhouses, these are the payments for inequitable benefits to selective owners (again, Mr. Robert Crosbie refused to provide details of which owners received them, including the fact that Lot 200 (Mr. John Gore) was/is a member of the Executive Committee):

WARATAH Strata Management	Proposed Budget to apply from 01/09/2018			Waratah Strata Management ABN 75 161 033 745 PO Box 125, Eastwood, NSW 2122 Ph (02) 9114 9599 Fax (02) 9114 9598 www.waratahstrata.com.au
Strata Plan 52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113			
Administrative Fund				
	Proposed budget	Actual	Previous budget	
	01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017	
Reimbursements - Gas Usage	4,000.00	3,436.15	4,000.00	
Reimbursements - Water Usage	6,000.00	5,466.13	8,000.00	

(B) GAS HEATING - UNIT 181

Application was examined for the owner to install a gas heater within the unit.

Such installation will incur additional costs on the Owners Corporation for the increased gas usage.

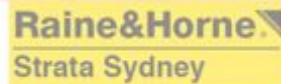
Enquiries are to be made with AGL in connection with the capacity of the existing system/pipework to enable a number of residents to install gas heaters and also options available regarding the metering of such usage.

A suggestion made which requires further discussion is that a once a year charge be levied on unit owners who install gas heaters to cover extra costs incurred by the Strata Scheme.

A similar application has been received from the owner of unit 62.

Letter sent by BCS Strata Management (Raine & Horne Strata before acquisition in 2011) to owners on 7th of September 2012

Raine & Horne Strata - Sydney
Block D, Level 1, 240 Bescroft Road, Epping
NSW 2121
Locked Bag 22, Haymarket NSW 1238



Telephone 02 9868 2999
Fax 02 8216 0331
Email strata@rhms.com.au
Web www.bcms.com.au

Rebates

In his letter [REDACTED] asserts that there has been "long term fraud" and that "money has been taken" from our common funds. These assertions relate to claims by [REDACTED] that certain owners have unlawfully received rebates for gas and water charges.

Many of you would be aware that owners in tower units receive water and gas paid for by the Owners Corporation and the rebate scheme put in place in 1999 simply treats townhouse owners in the same manner. Townhouse owners first have to pay the individual meter bills and are then rebated the consumption amounts only. The timing of payments can vary according to the date the claims for rebates are made. Not all claims are allowable as there is a time limit to ensure the Owners Corporation can budget for these costs properly. Many townhouse owners have received rebates of this nature. All such rebates have been approved by the Owners Corporation. Indeed [REDACTED] previously made claims that there had been fraudulent rebates paid to certain owners. These claims were not accepted by the Strata Schemes Adjudicator.

Personal Benefits

[REDACTED] has asserted that past and present members of the executive committee have "abused their privileges and obtained personal financial benefits". He has also claimed that "even Raine & Horne Epping office claimed a small rebate for a gas expense!" These allegations are false. Neither the executive committee members nor the strata manager of Macquarie Gardens have obtained, by unlawful means, any personal financial benefits.

Conclusion

Many of the assertions contained in [REDACTED] letter have been previously raised with and dismissed by the Strata Schemes Adjudicator. The allegations which we have addressed in this letter are simply untrue. And some of them are defamatory.

The executive committee will continue to manage the affairs of Macquarie Gardens, in concert with the strata managing agent, in the best interests of the owners as a whole. This will include vigorously defending [REDACTED] appeal which is currently before the CTTT.

In the event that you want to discuss any of the matters raised by [REDACTED] or the content of this letter, please do not hesitate to contact your executive committee or strata manager.

EC Member Mr. Stan Pogorelsky secretly trying to resolve issue with second gas levies without disclosure to owners in 2015

From: Stan Pogorelsky [redacted]
Sent: Wednesday, 10 June 2015 4:28 PM
To: Gary Mills
Cc: [redacted]
Subject: S & T Pogorelsky - Gas charges paid from 1998 to 2015 - Strata Plan 52948

Hi Gary,

Welcome to BCS. Just to let you know I am on the executive committee of Strata Plan 52948.

You may have seen an email from [redacted] accusing me of not paying my gas charges.

Please can you have a look at the xl that I have attached. It is self-explanatory and in a fair amount of detail.

There is a list of people in our strata who have had gas heaters installed in their units. Russel did work on this and the results should be in your office.

If you can locate this list which lets you know which units have these installed I am sure that most of the units would be missing the same charges as I am.

BCS has neglected to raise these charges on invoices where marked on my xl. We need to raise invoices for these arrear charges as a matter of urgency.

I did pass on to Russell a note from Yigal Zelunzuk – Apartment 3 where he has not paid anything since he moved in.

If you need to discuss this further you can call me on 02 [redacted] or my mobile [redacted]

Regards,

Stan Pogorelsky

From: Gary Mills
Sent: Wednesday, 15 July 2015 1:21 PM
To: Lilia Olson
Subject: RE: S & T Pogorelsky - Gas charges paid from 1998 to 2015 - Strata Plan 52948

Lilia,

Yigal & Lorna Zelunzuk (Unit 3). They have had a gas point since they moved in and haven't been billed.

Regards
Gary Mills

Gary Mills
Portfolio Manager

Body Corporate Services

Level 2, 51 Rawson Street, Epping, NSW, 2121

Locked Bag 22, Haymarket NSW 1238

T: (02) 9868 2999

F: (02) 8216 0331

Gary.Mills@bcsm.com.au

From: Teagan Robards
Sent: Friday, 17 July 2015 12:51 PM
To: Gary Mills
Cc: Lilia Olson
Subject: RE: S & T Pogorelsky - Gas charges paid from 1998 to 2015 - Strata Plan 52948

Hi Gary,

Please see attached gas usage charge for lot 181 as per spreadsheet, so that you can forward to the owner.

Moving forward, I will set up an ongoing charge for lot 181 & lot 3 so that they are charged \$55 per quarter from 01/11/2015.

Please let me know if this figure changes in future so that we can amend on system.

It looks to me that lot 3 have never been charged for usage, would you like me to charge them the total amount from year 2000- current? (start date on the spreadsheet)

Total would be \$755. If so, would you please confirm the date you would like this invoice to be due for payment.

Kind regards
Teagan

Financial year 1 September 2002 to 31 August 2003

These owners were listed for gas levies in Cash Receipts Journal Account 170: Lot 62, Lot 102, Lot 147, Lot 175, Lot 181.

Five owners, Lots 62, 102, 147, 175, and 181, paid partial levies for second gas connection in amount of \$55.00 (GST inclusive) whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

autostrata		Raine & Horne Strata - Sydney										

						STRATA PLAN NO : 52948						
						ADDRESS : 1-15 PONTENOY ROAD						
						: NTH RYDE 2113						
						:						
C A S H R E C E I P T S J O U R N A L												
						Period : 01/09/02 to : 31/08/03						

06/10/02	3269	CSH	0	REVERSAL	0.00	0.00	0.00	0.00	-55.00	170	0.00	-55.00
					0.00	0.00	0.00	0.00	0.00		0.00	
06/10/02	3113	CSH	0	REVERSAL	0.00	0.00	0.00	0.00	-55.00	170	0.00	-55.00
					0.00	0.00	0.00	0.00	0.00		0.00	
06/10/02	3290	EFT	62	TRF FROM RECEIPT 326	0.00	0.00	0.00	0.00	55.00	170	0.00	55.00
					0.00	0.00	0.00	0.00	0.00		0.00	
06/10/02	3291	EFT	181	TRF FROM RECEIPT 311	0.00	0.00	0.00	0.00	55.00	170	0.00	55.00
					0.00	0.00	0.00	0.00	0.00		0.00	
												0.00
30/08/03	4127	EFT	102	REVERSAL	-55.00	0.00	0.00	0.00	0.00	0	0.00	-55.00
					0.00	0.00	0.00	0.00	0.00		0.00	
												-55.00
01/08/03	4207	CSH	0	gas usage u102	0.00	0.00	0.00	0.00	50.00	170	0.00	55.00
					0.00	0.00	0.00	0.00	5.00		0.00	
												55.00
30/08/03	4060	EFT	147	REVERSAL	-55.00	0.00	0.00	0.00	0.00	170	0.00	-55.00
					0.00	0.00	0.00	0.00	0.00		0.00	
30/08/03	4208	CSH	0	gas fee u147	0.00	0.00	0.00	0.00	50.00	170	0.00	55.00
					0.00	0.00	0.00	0.00	0.00		0.00	
01/11/02	3466	EFT	175	H S & H S CHO	647.68	0.00	0.00	0.00	50.00	170	64.77	924.99
					143.25	0.00	0.00	0.00	4.97		14.32	
03/04/03	3195	EFT	102	REVERSAL	0.00	0.00	0.00	0.00	-50.00	170	0.00	-55.00
					0.00	0.00	0.00	0.00	-5.00		0.00	
03/04/03	3753	CSH	102	31.7.02 GAS	0.00	0.00	0.00	0.00	50.00	170	0.00	55.00
					0.00	0.00	0.00	0.00	5.00		0.00	
												0.00
01/08/03	4134	EFT	62	U P A ARANWELA & M V	557.00	0.00	0.00	0.00	45.00	170	55.70	803.21 ✓
					123.19	0.00	0.00	0.00	10.00		12.32	
11/08/03	4172	CHQ	0	GAS UNIT 181	0.00	0.00	0.00	0.00	55.00	170	0.00	55.00
					0.00	0.00	0.00	0.00	0.00		0.00	

Evidence: SP52948-Accounting-1Sep2002-to-31Aug2003.pdf

Financial year 1 September 2003 to 31 August 2004

These owners were listed for gas levies in Cash Receipts Journal Account 170: Lot 175.

One owner, Lot 175, paid partial levies for second gas connection in amount of \$55.00 (GST inclusive) whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

autostrata	Raine & Horne Strata - Sydney									

STRATA PLAN NO : 52948										
ADDRESS : 1-15 FONTENROY ROAD										
: NTH RYDE 2113										
:										
C A S H R E C E I P T S J O U R N A L										
Period : 01/09/03 to : 31/08/04										

Receipt	Lot	Admin	Qtly Levy	Spec Levy	Interest	Discount	Amount A/c	GST	Total	
Date	No by No Name	Sinking:					Misc GST			

			150.00	0.00	0.00	0.00	5.00	15.01		

Evidence: SP52948-Accounting-1Sep2003-to-31Aug2004-BCS4464244.pdf

Financial year 1 September 2006 to 31 August 2007

These owners were listed for gas levies in Cash Receipts Journal Account 170: Lot 62, Lot 102, Lot 147, Lot 154, Lot 148, Lot 181, Lot 192.

Seven owners, Lots 62, 102, 147, 148, 154, 181, and 192, paid partial levies for second gas connection in amount of \$55.00 (GST inclusive) whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

autostrata		Raine & Horne Strata - Sydney									

										STRATA PLAN NO : 52948	
										ADDRESS : 1-15 FONTENOY ROAD	
										: NTH RYDE 2113	
										:	
C A S H R E C E I P T S J O U R N A L											
Period : 01/09/06 to : 31/08/07											

Date	Receipt No	Lot by No	Name	Admin : Sinking:	Qtly Levy	Spec Levy	Interest	Discount	Amount A/c	GST	Total
									Misc		
									GST		
01/11/06	7179 EFT	181	S & T L	POGORELSKY	738.40	0.00	0.00	0.00	50.00 170	73.84	1074.59
					188.50	0.00	0.00	0.00	5.00	18.85	
07/11/06	7218 EFT	148	PETER YEEND &	BARBAR	454.40	0.00	0.00	0.00	50.00 170	45.44	682.44
					116.00	0.00	0.00	0.00	5.00	11.60	
14/11/06	7272 EFT	102	YOUNG S PARK &	HOO J	525.40	0.00	0.00	0.00	50.00 170	52.54	780.47
					134.12	0.00	0.00	0.00	5.00	13.41	
14/11/06	7275 EFT	147	MR & MRS M	LEVITT	566.20	0.00	5.11	0.00	50.00 170	51.12	831.99
					130.50	0.00	1.47	0.00	5.00	22.59	
14/11/06	7278 EFT	62	U P A	ARANWELA & M V	555.60	0.00	0.00	0.00	50.00 170	61.06	843.12
					155.87	0.00	0.00	0.00	5.00	15.59	
15/11/06	7294 EFT	154	BETTY G	McGOWAN	425.97	0.00	0.00	0.00	50.00 170	42.60	643.19
					108.75	0.00	0.00	0.00	5.00	10.87	
22/01/07	7457 EFT	192	MR C	AKANIS	1391.60	0.00	1.51	0.00	50.00 170	139.16	1978.10
					155.24	0.00	0.07	0.00	5.00	35.52	

Evidence: SP52948-accounting-FY-2007.pdf

Financial year 1 September 2007 to 31 August 2008

No owners were listed for gas levies in Cash Receipts Journal Account 170.

Evidence: Receipts journal 0807 to 0808.pdf

Financial year 1 September 2008 to 31 August 2009

These owners were listed for gas levies in Cash Receipts Journal Account 170: Lot 62, Lot 102, Lot 147, Lot 148, Lot 175, Lot 181, Lot 192.

Seven owners, Lots 62, 102, 147, 148, 175, 181, and 192, paid partial levies for second gas connection in amount of \$55.00 (GST inclusive) whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

autostrata		Raine & Horne Strata - Sydney								
STRATA PLAN NO : 52948										
ADDRESS : 1-15 FONTENOY ROAD										
: NORTH RYDE NSW 2113										
CASH RECEIPTS JOURNAL										
Period : 01/09/08 to : 31/08/09										
Receipt Date	Lot No by No	Admin : Sinking:	Qtly Levy	Spec Levy	Interest	Discount	Amount A/c Misc GST	GST	Total	
31/10/08	9138 EFT 148	PETER YEEND & BARBAR	449.04	0.00	0.00	0.00	55.00 170	44.90	687.63	
			126.08	0.00	0.00	0.00	0.00	12.61		
03/11/08	9155 EFT 181	S & T L POGORELSKY	729.69	0.00	0.00	0.00	55.00 170	72.97	1083.03	
			204.88	0.00	0.00	0.00	0.00	20.49		
11/11/08	9192 EFT 192	OWEN & HERIM KWON	687.59	0.00	0.00	0.00	55.00 170	68.76	1023.72	
			193.06	0.00	0.00	0.00	0.00	19.31		
13/11/08	9213 EFT 102	YOUNG S PARK & HOO J	519.20	0.00	0.00	0.00	55.00 170	51.92	786.48	
			145.78	0.00	0.00	0.00	0.00	14.58		
13/11/08	9222 EFT 175	JAYANTILAL, JYOTI, RIM	701.62	0.00	0.00	0.00	55.00 170	70.16	1043.48	
			197.00	0.00	0.00	0.00	0.00	19.70		
14/11/08	9227 EFT 147	MR & MRS M LEVITT	505.17	0.00	0.00	0.00	55.00 170	50.52	766.71	
			141.84	0.00	0.00	0.00	0.00	14.18		
14/11/08	9233 EFT 62	U P A ARANWELA & M V	603.40	0.00	0.00	0.00	55.00 170	60.34	905.10	
			169.42	0.00	0.00	0.00	0.00	16.94		

Evidence: SP52948-accounting-FY-2009.pdf.

Financial year 1 September 2009 to 31 August 2010

These owners were listed for gas levies in Cash Receipts Journal Account 170: Lot 62, Lot 102, Lot 147, Lot 148, Lot 175, Lot 181, Lot 192.

Seven owners, Lots 62, 102, 147, 148, 175, 181, and 192, paid partial levies for second gas connection whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

The Owners of SP 52948		1-15 Fontenoy Road, MACQUARIE PARK NSW 2113		
Date	Details	Amount (GST exclusive)	Type	Ref.No.
	28/10/2009 Receipt: 525		Lot 192: Lot 192: Gas usage	55.00
	29/10/2009 Receipt: 542		Lot 102: Lot 102: Gas usage	55.00
23/10/2009	Receipt: 495		Lot 147: Lot 147: Gas usage	55.00
26/10/2009	Receipt: 501		Lot 181: Lot 181: Gas usage	55.00
2/11/2009	Receipt: 590		Lot 62: Lot 62: Gas usage	55.00
2/11/2009	Receipt: 0		Interest on bank account	85.10
3/11/2009	Receipt: 620		Lot 148: Lot 148: Gas usage	55.00
12/11/2009	Receipt: 659		Lot 175: Lot 175: Gas usage	55.00
	19/08/2010 Receipt: 0		Lot 148: Lot 148: Gas Usage for the period 1/9/10	0.02
	26/08/2010 Receipt: 1406		Lot 102: Lot 102: Gas Usage for the period 1/9/10-	55.00
	26/08/2010 Receipt: 1407		Lot 192: Lot 192: Gas Usage for the period 1/8/10	55.00

Other Income--Admin 170				
22/10/2009	Lot 62: Gas usage	50.00	Owner Inv.	
22/10/2009	Lot 147: Gas usage	50.00	Owner Inv.	
22/10/2009	Lot 192: Gas usage	50.00	Owner Inv.	
22/10/2009	Lot 181: Gas usage	50.00	Owner Inv.	
22/10/2009	Lot 102: Gas usage	50.00	Owner Inv.	
22/10/2009	Lot 148: Gas usage	50.00	Owner Inv.	
22/10/2009	Lot 175: Gas usage	50.00	Owner Inv.	
09/11/2009	BBQ Monies	13.64	OC.Rct	643
09/11/2009	BBQ Monies	8.18	OC.Rct	644
09/11/2009	BBQ Money	9.09	OC.Rct	645
09/11/2009	BBQ Money	9.09	OC.Rct	646
16/11/2009	Tax refund	1,112.20	OC.Rct	0
21/01/2010	Owner invoice cancellation for lot: 182/52948	(70.00)	Owner Inv.	
21/01/2010	Lot 182: Remote control	70.00	Owner Inv.	
30/08/2010	Tax Refund	523.80	OC.Rct	0
		\$2,026.00		

Less to Cash Journal 16/162.
\$ 1,536.00

Financial year 1 September 2010 to 31 August 2011

These owners were listed for gas levies in Cash Receipts Journal Account 170: Lot 62, Lot 102, Lot 147, Lot 148, Lot 181, Lot 192.

Six owners, Lots 62, 102, 147, 148, 181, and 192, paid partial levies for second gas connection in amount of \$55.00 (GST inclusive) whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

19/08/2010	Lot 147: Gas Usage for the period 1/9/10-31/8/11	50.00	Owner Inv.
19/08/2010	Lot 148: Gas Usage for the period 1/9/10 - 31/8/11	50.00	Owner Inv.
19/08/2010	Lot 181: Gas Usage for the period 1/9/10 - 31/8/11	50.00	Owner Inv.
19/08/2010	Lot 102: Gas Usage for the period 1/9/10-31/8/11	50.00	Owner Inv.
19/08/2010	Lot 62: Gas Usage for the period 1/9/10-31/8/11	50.00	Owner Inv.
19/08/2010	Lot 192: Gas Usage for the period 1/8/10 - 31/8/11	50.00	Owner Inv.
		<hr/>	
		\$300.00	✓

Evidence: SP52948-cash-receipts-FY-2011.pdf

Financial year 1 September 2011 to 31 August 2012

These owners were listed for gas levies in Cash Receipts Journal Account: Lot 79, Lot 147.

Two owners, Lots 79, 147, paid partial levies for second gas connection in amount of \$55.00 (GST inclusive) whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

CASH BOOK RECEIPTS BY RECEIPT DATE FOR 1-15 FONTENOY ROAD							
REPORTING PERIOD 1/09/2011 TO 31/08/2012							
						Manager:	PETER BONE
						Plan No:	52948
Receipt Date	Receipt Number	Lot	Name	Allocated To	Allocation Amount	Receipt Amount	
12/12/2011	00000466	147	MR & MRS M LEVITT	Advance Payments-Levies	55.00	55.00	
17/02/2012	00000690	79	L T A CHENG	Advance Payments-Levies	55.00	55.00	

Evidence: SP52948-accounting-FY-2012.pdf

Financial year 1 September 2012 to 31 August 2013

This owner was listed for gas levies in Cash Receipts Journal Account: Lot 62.

One owners, Lots 6, paid partial levies for second gas connection in amount of \$55.00 (GST inclusive) whilst prescribed levies for second gas connection were \$220.00 (GST inclusive).

CASH BOOK RECEIPTS BY RECEIPT DATE FOR 1-15 FONTENOY ROAD						
REPORTING PERIOD 1/09/2012 TO 31/08/2013						
						Manager: PETER BONE
						Plan No: 52948
Receipt Date	Receipt Number	Lot	Name	Allocated To	Allocation Amount	Receipt Amount
00001356	62	MR & MRS U ARANWELA		Payment-Admin.Fund	910.53	
				Payment-Sinking Fund	215.22	
				Advance Payments-Levies	55.00	
						1,180.75

Evidence: SP52948-Cashbook-Receipts-by-Receipt-Date-FY2013-3Oct2013.pdf

Financial year 1 September 2015 to 31 August 2016

These owners were listed for gas levies in Cash Receipts Journal Account: Lot 3, Lot 59, Lot 62, Lot 102, Lot 127, Lot 147, Lot 148, Lot 167, Lot 181.

Eight owners, Lots 59, 62, 102, 127, 147, 148, 167, 181, paid levies for second gas connection in amount of \$220.00 (GST inclusive) whilst Lot 3 paid less (prescribed levies for second gas connection were \$220.00 (GST inclusive)).

**CASH BOOK RECEIPTS BY RECEIPT DATE
FOR 1-15 FONTENOY ROAD**

REPORTING PERIOD 1/09/2015 TO 31/08/2016

**Manager: SIMON BRIKHA
Plan No: 52948**

Receipt Date	Receipt Number	Lot	Name	Allocated To	Allocation Amount	Receipt Amount
2/11/2015	00004289		Y & L ZELUNZUK	Payment-Admin.Fund	50.00	50.00
3/11/2015	00004296		MR & MRS S POGORELSKY	Advance Payments-Levies	55.00	55.00
22/12/2015	00004511	181	MR & MRS S POGORELSKY	Payment-Sinking Fund	28.60	28.60
1/02/2016	00004754		MR & MRS S POGORELSKY	Advance Payments-Levies	55.00	55.00
2/05/2016	00005068		MR & MRS S POGORELSKY	Advance Payments-Levies	55.00	55.00
15/06/2016	00005135		MR & MRS M LEVITT	Advance Payments-Levies	220.00	220.00
16/06/2016	00005137		P & M FRIEDE	Advance Payments-Levies	220.00	220.00
17/06/2016	00005138		MR & MRS U ARANWELA	Advance Payments-Levies	220.00	220.00
22/06/2016	00005141		C PRINEAS	Advance Payments-Levies	220.00	220.00
24/06/2016	00005145		P & B YEEND	Advance Payments-Levies	220.00	220.00
28/06/2016	00005148		A PARK & J LEE	Advance Payments-Levies	220.00	220.00
6/07/2016	00005190		H BOUNNI	Advance Payments-Levies	220.00	220.00
27/07/2016	00005280		P & B YEEND	Advance Payments-Levies	110.00	110.00
1/08/2016	00005320		MR & MRS S POGORELSKY	Payment-Admin.Fund	18.34	18.34

9/08/2016

00005367	C PRINEAS	Advance Payments-Levies	110.00	110.00
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26/08/2016

00005391	Y & L ZELUNZUK	Payment-Admin.Fund	5.00	
		Payment-Admin.Fund	55.00	
		Payment-Admin.Fund	55.00	
		Payment-Admin.Fund	2.33	

208	Reimbursement income	905.08	
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From: Debbie Stephenson
Sent: Friday, 22 July 2016 12:13 PM
To: Teagan Robards
Subject: SP52948

Hi Teagan,

As per our conversation this morning, would you please arrange to hold a suppression on the gas line payments. The EC are discussing the matter, and will confirm the due date.

Thanks Teagan

Kind Regards

Debbie Stephenson
Assistant Strata Manager

Evidence: Cash Receipts Report_20170201091800.pdf

Financial year 1 September 2016 to 31 August 2017

Waratah Strata Management claimed that \$3,600.00 (plus GST) was earned from owners with second gas connection in FY 2017.

The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017:

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.

In spite of all efforts, Mr Robert Crosbie refuses to provide information of which owners paid levies for second gas connection in FY 2017:

WARATAH Strata Management	Waratah Strata Management ABN 75 161 033 745 PO Box 125, Eastwood, NSW 2122 Ph (02) 9114 9599 Fax (02) 9114 9598 www.waratahstrata.com.au		
Income & Expenditure Report for the financial year to 31/08/2018			
Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund			
	Current period	Annual budget	Previous year
	01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017
Revenue			
Gas - Additional Service	2,537.54	3,400.00	3,600.00

Evidence: SP52948-Cash-Receipts-FY2016.pdf

Financial year 1 September 2017 to 31 August 2018

Waratah Strata Management claimed that \$2,537.54 (plus GST) was earned from owners with second gas connection in FY 2018.

In spite of all efforts, Mr Robert Crosbie refuses to provide information of which owners paid levies for second gas connection in FY 2018:

WARATAH Strata Management	Income & Expenditure Report for the financial year to 31/08/2018			Waratah Strata Management ABN 75 161 033 745 PO Box 125, Eastwood, NSW 2122 Ph (02) 9114 9599 Fax (02) 9114 9598 www.waratahstrata.com.au
Strata Plan 52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113			
Administrative Fund				
	Current period	Annual budget	Previous year	
	01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017	
Revenue				
Gas - Additional Service	2,537.54	3,400.00	3,600.00	

Waratah Strata Management claimed that \$3,600.00 (plus GST) was earned from owners with second gas connection in FY 2017.

The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017.

It is difficult to comprehend why the income from levies for second gas connection suddenly dropped to \$2,537.54 in FY 2018.

Evidence: SP52948-Agenda-AGM-2018-arrived-to-owners-on-9Oct2018.pdf