

These meetings were submitted (and some of them deliberately hidden) by Bannermans Lawyers, Waratah Strata Management, and Mr. Stan Pogorelsky to NCAT in case 2024/00454780 on 20 March 2025. Applicant is highlighting them to show to what extent strata managers and committee members went to ensure non-compliance with strata laws and regulations in regards to organising meetings and managing SP52948. Instead of proving quality of their work to NCAT, they did the opposite: the below evidence proves persistent misconduct and dysfunctional operation of SP52948 (meetings were not sent to all owners, did not have detailed agenda, did not provide any details of continuous and significant negative balances in Admin Fund, and hid long-term fire safety non-compliance orders issued by City of Ryde Council). These meetings, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW):

More than 30 ordinary committee and general meetings failed to comply with strata laws since Waratah Strata Management took office on 1 February 2027:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-since-1Feb2017.html>

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-non-compliant-meetings-in-SP52948-evidence.pdf>

Meeting Details	Calculation of delivery and basic comments
Attachment 27 Notice of strata committee meeting held on 6 February 2025, listed in Mr. Pogorelsky's witness statement on 20 March 2025, as submitted by Bannermans Lawyers, page 842	<p>24 January 2025, Day of notice put on notice boards and published, Postage date not included</p> <p>25 January 2025, Saturday</p> <p>26 January 2025, Sunday</p> <p>27 January 2025, Australia Day</p> <p>28 January 2025, First Working Day</p> <p>29 January 2025, Second Working Day</p> <p>30 January 2025, Third Working Day</p> <p>31 January 2025, Fourth Working Day</p> <p>1 February 2025, Saturday</p> <p>2 February 2025, Sunday</p> <p>3 February 2025, Fifth Working Day</p> <p>4 February 2025, Sixth Working Day</p> <p>5 February 2025, Seventh Working Day</p> <p>Three Notice Days Missing!</p> <p>6 February 2025, Date of Meeting, not counted</p>

1) Extract from 976-page witness statement by unfinancial committee member Mr. Stan Pogorelsky on 20 March 2025, where he also claimed he was authorised by the owners corporation to make the statements on its behalf:

WITNESS STATEMENT

I, Stan Pogorelsky, make the following statements:

1. I am a co-owner of lot 181 in strata scheme 52948 (the "**Scheme**"). I am a current member of the strata committee for The Owners – Strata Plan No. 52948 ("**owners corporation**") and have been since in or around 1999.
2. The Scheme is located at 1-15 Fontenoy Road, Macquarie Park NSW 2113 and comprises of 218 residential lots.

(See attachment "**1**" common property title search for registered strata plan 52948)

(See attachment "**2**" registered by-laws for the scheme)

(See attachment "**3**" registered strata plan)

3. I am authorised by the owners corporation to make this statement on its behalf.
4. I made this statement from my own knowledge and belief, save where otherwise stated.
5. The current strata managing agent of the Scheme is Waratah Strata Management.

(See attachment "**4**" strata management agency agreement dated 27 October 2022)

1.1) This conflicted with decisions at committee meeting on 6 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-minutes-EC-meeting-6Jan2025-published-15Jan2025.pdf>

Motion 2	
Election of Office Bearers	Ordinary Resolution Submitted by Strata Committee
THAT the office bearers positions for chairperson, treasurer & secretary will be nominated and elected.	
MOTION DEFEATED	

Motion 4 Alternatives	
Alternatives for Appointment of Emergency Contact	Motion Alternatives Submitted by Strata Committee
(Option A) The Strata Managing Agent. (Option B) The Chairperson. (Option C) The Secretary. 'OPTION A' has been selected with the highest votes.	

Motion 5	
Record Chairperson's Details on NSW Strata Hub	Ordinary Resolution Submitted by Strata Committee
<p>THAT the Chairperson's contact information be recorded on the NSW Strata Hub.</p> <p><i>(Please note, if motion is carried the chairperson's name and email address will be uploaded to Strata Hub and they will receive automatic system emails from NSW Strata Hub. If motion is defeated, the strata managing agent's details will be uploaded and they will receive these emails.)</i></p>	
MOTION DEFEATED	

Motion 6	
Record Secretary's Details on NSW Strata Hub	Ordinary Resolution Submitted by Strata Committee
<p>THAT the secretary's contact information be recorded on the NSW Strata Hub.</p> <p><i>(Please note, if motion is carried the secretary's name and email address will be uploaded to Strata Hub and they will receive automatic system emails from NSW Strata Hub. If motion is defeated, the strata managing agent's details will be uploaded and they will receive these emails.)</i></p>	
MOTION DEFEATED	

Motion 8	
Notice of Directions Hearing	Ordinary Resolution Submitted by Strata Committee
<p>That the Strata Committee review the Notice of Directions Hearing and NCAT Tribunal Application, case number 2024/00454780.</p>	
MOTION RESOLVED	

1.3) In Bannermans Lawyers submission to NCAT on 12 February 2025, which Ms. Pham did not send to the Applicant and failed to comply with Tribunal Orders made on 15 January 2025, and even lied to Tribunal at Directions Hearing on 20 February 2025 that she had sent the letter to the Applicant via courier, the following was stated in Paragraph 12:

12. Paragraph 3.3 of the POC is irrelevant to the Applicant's application. In addition, there is no requirement for a strata committee member to be financial to be elected to the strata committee.

Bannermans Lawyers made this senseless statement in direct contradiction with SSMA 2015 Section 23 (8):

(4) Voting rights cannot be exercised if contributions not paid A member of the strata committee is not 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 of a lot in the strata scheme at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting.

Under the Strata Schemes Management Act 2015 (NSW), an owner cannot vote at a general meeting if they are "unfinancial" at the time of the meeting, meaning they have not paid all contributions and other amounts owed in relation to the lot. This rule also applies to the exercise of voting rights on the strata committee. An owner must make these payments before the meeting to be eligible to vote on motions other than those requiring a unanimous resolution.

An owner is considered unfinancial if they have outstanding contributions or other amounts (like late fees or charges) owed to the owners corporation at the time of the meeting. The restriction applies to general meetings of the owners corporation and meetings of the strata committee. An unfinancial owner cannot exercise their voting rights at the meeting. To regain their voting rights, the owner must pay all overdue contributions and any other outstanding amounts related to their lot before the meeting. The payment must be made by the meeting date to be eligible to vote on most matters.

Ms. Pham could not provide any evidence on how would Mr. Pogorelsky , or any other unfinancial owner, vote at any meeting if all contributions not paid before the meeting.

2) As of 18 September 2025, Bannermans Lawyers, Waratah Strata Management, and three committee members who attended two Hearings on 22 April 2025 and 22 July 2025 (Mr. Stan Pogorelsky, Mr. Joe Spatola, and Mrs. Genelle Godbee) failed to respond to this evidence or refute it.

Further more, they did not address Applicant's submission on 7 July 2025, with Table of Contents shown herewith:

<https://www.nswstratasleuth.info/SP52948-year-2025/Table-of-Contents-NCAT-2024-00454780-concerns-about-procedural-errors-and-misleading-statements-6Jul2025.pdf>

3) The meeting as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

In public display of keeping appearances, Bannermans Lawyers are well aware of risks with time limits to send notices for general meetings (similar applies to ordinary meetings too, but with shorter time frames):

<https://www.bannermans.com.au/library/what-a-difference-a-day-makes-well-two-days-beware-of-time-limits-when-using-mail-services/>



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What a difference a day makes (well two days) – Beware of time frames for General Meetings when using mail services

POSTED 08 DECEMBER 2023

Category: [Strata](#)

Beware of time limits when placing notices for general meeting into the postal system

A recent case brought us back to basics with respect to the timeframes in which notices of general meetings must be served under the Strata Scheme Management Act 2015 ("SSMA").

Pursuant to Schedule 1 Clause 7(3) of the SSMA, different notice periods apply to different types of general meetings of the owners corporation. For annual general meetings, notice must be served on each lot owner at least 14 days before the general meeting. For general meetings other than an annual general meeting, notice of the general meeting of the owners corporation must be served on each owner at least 7 days before the general meeting. Please see below the excerpt of clause 7(2) of the SSMA:

4) Agenda for committee meeting on 6 February 2025 was not detailed and not sent to the Applicant, directly preventing him from voting, whilst evidence if it was sent to all other owners who do not live in the complex was undisclosed by Waratah Strata Management.

The agenda as published on walls in basement of four buildings and sent by post did not contain website links for electronic voting, denying rights to all owners who relied on them.

5) Agenda had two Motions, where owners were asked to ratify only Motion 9 from previous meeting on 6 January 2025 (engagement of Bannermans Lawyers and committee's co-operation with them) without full disclosure:



COMMITTEE MEETING

Strata Plan 52948

1-15 Fontenoy Road, Macquarie Park

Date & Time: Thursday 6 February 2025 10:00 AM

Location: Online via, Pre Vote, Only, NSW, 2143

**NOTICE OF STRATA COMMITTEE MEETING
OF STRATA PLAN 52948
1-15 FONTENOY ROAD, MACQUARIE PARK**

NOTICE of business to be dealt with at the Strata Committee Meeting of Strata Plan 52948 to be held at Online via, Pre Vote, Only, NSW, 2143 on Thursday 6 February 2025 at 10:00 AM.

Motion 1.	MINUTES	Ordinary Resolution
THAT the minutes of the last meeting of the strata committee held on 6 January 2025 be confirmed.		

Motion 2.	RATIFY STRATA COMMITTEE DECISION	Ordinary Resolution
<p>The strata committee resolves to RATIFY motion 9 of the minutes of the strata committee meeting held on 6 January 2025, being:</p> <p>1. The engagement of Bannermans Lawyers in accordance with its fee proposal dated 23 December 2024 to undertake the activities referred to defend NCAT proceedings against Lot 158; and</p> <p>2. Appoint the strata committee as point of contact to provide the owners corporation's instructions to Bannermans Lawyers in the NCAT proceedings against Lot 158."</p> <p><i>Explanatory Note:</i> This motion seeks to formally ratify a previous decision made by the strata committee during its meeting on 6 January 2025, specifically Motion 9. The resolution covers two key actions relating to the NCAT (New South Wales Civil and Administrative Tribunal) proceedings. The motion aims to ensure that these actions are officially approved and put into effect.</p>		

6) Previous committee meeting on 6 January 2025 failed to comply with strata laws and was not valid (as of 18 September 2025 Bannermans Lawyers, Waratah Strata Management, and committee members were not able to refute any evidence or comments made by the Applicant):

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-non-compliant-meeting-illegally-engaging-Bannermans-Lawyers-6Jan2025.pdf>

7) In Mr. Pogorelsky's witness statement, which Bannermans Lawyers submitted on 20 March 2025, Tribunal was prevented from having access to details of agenda and minutes of committee meeting on 6 January 2025:

Witness Statement of Stan Pogorelsky_20.03.25 (executed)-1.pdf

(See attachment "23" minutes of strata committee meeting held on 1 June 2023)

(See attachment "24" notice of strata committee meeting held on 22 February 2024)

(See attachment "25" minutes of strata committee meeting held on 22 February 2024)

(See attachment "26" minutes of strata committee meeting held on 17 May 2024)

(See attachment "27" notice of strata committee meeting held on 6 February 2025)

(See attachment "28" minutes of strata committee meeting held on 6 February 2025)

8) As in previous “paper-vote” meetings, strata manager and committee members failed to publish information that other owners can vote, and if there are 25% or more of voting rights, they can make decision any way they wanted without committee members.

9) One ordinary owner attended “in-person” (Ms. Julie Bonello) in spite of such opportunity not given to other owners (question: how did she know where and how to attend?)

Two committee members were also allowed to “be present” (had options to vote, which were not given to majority of other owners, who were not even aware of such opportunity).

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-minutes-EC-meeting-6Feb2025-published-on-20Feb2025.pdf>



6 February 2025

**MINUTES OF THE STRATA COMMITTEE MEETING
OF Strata Plan NO: 52948
1-15 FONTENOY ROAD MACQUARIE PARK**

Meeting Date	6 February 2025 10:00 AM		
Date Notices Sent	23 January 2025		
Due by Date	6 February 2025		
Additional Attendees	Lot 135 Julie Bonello		
Committee Members	Lot 7	James Zachary Zuravle	Electronic vote
	Lot 34	Jeffrey Ching-Hao Wang	Electronic vote
	Lot 72	Carole Suat Swee Gan	Electronic vote
	Lot 112	Carlos Fornieles Montoya	Electronic vote
	Lot 142	Genelle Godbee	Committee member present
	Lot 159	Ramesh Desai	Electronic vote
	Lot 181	Stanley Pogorelsy	Committee member present
	Lot 200	Giuseppe Anthony Spatola	Electronic vote

Motion 1	
Minutes	Ordinary Resolution
THAT the minutes of the last meeting of the strata committee held on 6 January 2025 be confirmed.	
Motion CARRIED.	

Motion 2	
Ratify Strata Committee Decision	Ordinary Resolution
The strata committee resolves to RATIFY motion 9 of the minutes of the strata committee meeting held on 6 January 2025, being:	
<ol style="list-style-type: none"> 1. The engagement of Bannermans Lawyers in accordance with its fee proposal dated 23 December 2024 to undertake the activities referred to defend NCAT proceedings against Lot 158; and 2. Appoint the strata committee as point of contact to provide the owners corporation's instructions to Bannermans Lawyers in the NCAT proceedings against Lot 158." 	
Motion CARRIED.	

10) Notice of the meeting hid all details of the financial status in Admin Fund. On 24 January 2025, Admin Fund had negative balance (deficit) in amount of -\$211,864.18 but it did not include delayed monthly salary for Uniquenco Property Services:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-24Jan2025.pdf>

181100	Reimbursements - Gas Usage	178.46	495.01
181101	Reimbursements - Water Usage	1,692.02	3,153.89
190200	Utility--Electricity	22,435.01	54,838.28
190400	Utility--Gas	16,779.30	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	25,156.74	107,238.20
Total expenses		411,825.89	1,001,164.29
Surplus/Deficit		(166,279.89)	(51,705.02)
Opening balance		(45,584.29)	6,120.73
Closing balance		-\$211,864.18	-\$45,584.29

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10.1) Massive differences between morning and afternoon on 29 January 2025 were obvious. Negative balance (deficit) grew from -\$211,864.18 to -\$282,251.22, without disclosure to owners:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-massive-differences-in-Admin-Fund-between-morning-and-afternoon-29Jan2025.pdf>

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund		Current period	Previous year
		01/09/2024-29/01/2025	01/09/2023-31/08/2024
164800	Maint Bldg-Electrical	4,049.33	14,599.76
165600	Maint Bldg-Exhaust/Ventilation Systems	220.00	1,560.00
165800	Maint Bldg-Fire Protection Repairs	2,372.50	15,518.00
166600	Maint Bldg-Garage Doors	1,501.00	6,288.81
167000	Maint Bldg-Garbage Compactor/Chute Cleaning	826.83	0.00
167200	Maint Bldg-General Repairs	1,497.46	7,920.90
167600	Maint Bldg-Glass	2,100.00	0.00
168000	Maint Bldg-Gym Equipment	390.00	1,530.00
168800	Maint Bldg-Hot Water Service	0.00	1,344.80
168900	Maint Bldg-Hygiene Services	0.00	739.26
169600	Maint Bldg-Intercom	1,690.00	4,470.00
170200	Maint Bldg-Lift	9,607.13	27,730.30
170203	Maint Bldg-Lift-Registration Fees	0.00	89.40
170600	Maint Bldg-Locks, Keys & Card Keys	2,471.99	8,023.00
172000	Maint Bldg-Pest/Vermin Control	150.00	2,209.09
172200	Maint Bldg-Plumbing & Drainage	11,135.19	16,706.21
172400	Maint Bldg-Pumps & Water Equipment	100.00	387.00
172800	Maint Bldg-Roof & Gutters	3,700.00	5,276.36
174600	Maint Bldg-Telephone Lines	79.46	633.07
175400	Maint Bldg-Wall Paper	120.00	0.00
175600	Maint Bldg-Walls	100.00	0.00
175800	Maint Bldg-Walls & Ceilings	1,113.64	4,142.72
176400	Maint Grounds-Driveway & Paths	0.00	280.00
178400	Maint Grounds-Lawns & Gardening	135.00	0.00
178800	Maint Grounds-Paving	480.00	921.81
179200	Maint Grounds-Pool	1,509.27	2,823.40
179203	Maint Grounds-Pool Consumables	0.00	891.79
179600	Maint Grounds-Tennis Court	0.00	418.18
180000	Maint Grounds-Tree Lopping/Removal	300.00	15,461.37
181100	Reimbursements - Gas Usage	178.46	495.01
181101	Reimbursements - Water Usage	1,692.02	3,153.89
190200	Utility-Electricity	22,435.01	54,838.28
190400	Utility-Gas	16,779.30	30,053.99
190800	Utility-Rubbish Removal	0.00	72.27
191200	Utility-Water & Sewerage	25,156.74	107,238.20
Total expenses		411,825.89	1,001,164.29
Surplus/Deficit		(166,279.89)	(51,705.02)
Opening balance		(45,584.29)	6,120.73
Closing balance		-\$211,864.18	-\$45,584.29

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Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund		Current period	Previous year
		01/09/2024-29/01/2025	01/09/2023-31/08/2024
164800	Maint Bldg-Electrical	4,049.33	14,599.76
165600	Maint Bldg-Exhaust/Ventilation Systems	220.00	1,560.00
165800	Maint Bldg-Fire Protection Repairs	2,372.50	15,518.00
166600	Maint Bldg-Garage Doors	2,201.00	6,288.81
167000	Maint Bldg-Garbage Compactor/Chute Cleaning	826.83	0.00
167200	Maint Bldg-General Repairs	1,497.46	7,920.90
167600	Maint Bldg-Glass	2,100.00	0.00
168000	Maint Bldg-Gym Equipment	390.00	1,530.00
168800	Maint Bldg-Hot Water Service	0.00	1,344.80
168900	Maint Bldg-Hygiene Services	0.00	739.26
169600	Maint Bldg-Intercom	1,690.00	4,470.00
170200	Maint Bldg-Lift	9,607.13	27,730.30
170203	Maint Bldg-Lift-Registration Fees	0.00	89.40
170600	Maint Bldg-Locks, Keys & Card Keys	2,471.99	8,023.00
172000	Maint Bldg-Pest/Vermin Control	150.00	2,209.09
172200	Maint Bldg-Plumbing & Drainage	11,330.19	16,706.21
172400	Maint Bldg-Pumps & Water Equipment	100.00	387.00
172800	Maint Bldg-Roof & Gutters	3,700.00	5,276.36
174600	Maint Bldg-Telephone Lines	79.46	633.07
175400	Maint Bldg-Wall Paper	120.00	0.00
175600	Maint Bldg-Walls	100.00	0.00
175800	Maint Bldg-Walls & Ceilings	1,113.64	4,142.72
176400	Maint Grounds-Driveway & Paths	0.00	280.00
178400	Maint Grounds-Lawns & Gardening	135.00	0.00
178800	Maint Grounds-Paving	480.00	921.81
179200	Maint Grounds-Pool	1,598.91	2,823.40
179203	Maint Grounds-Pool Consumables	0.00	891.79
179600	Maint Grounds-Tennis Court	0.00	418.18
180000	Maint Grounds-Tree Lopping/Removal	300.00	15,461.37
181100	Reimbursements - Gas Usage	178.46	495.01
181101	Reimbursements - Water Usage	1,692.02	3,153.89
190200	Utility-Electricity	22,435.01	54,838.28
190400	Utility-Gas	16,779.30	30,053.99
190800	Utility-Rubbish Removal	0.00	72.27
191200	Utility-Water & Sewerage	52,257.24	107,238.20
Total expenses		482,212.93	1,001,164.29
Surplus/Deficit		(236,666.93)	(51,705.02)
Opening balance		(45,584.29)	6,120.73
Closing balance		-\$282,251.22	-\$45,584.29

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11) End of financial quarter recorded negative balance (deficit) in amount of -\$299,011.55 on 31 January 2025 without disclosure to owners:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-afternoon-31Jan2025.pdf>

181100	Reimbursements - Gas Usage	178.46	495.01
181101	Reimbursements - Water Usage	1,692.02	3,153.89
190200	Utility--Electricity	30,040.85	54,838.28
190400	Utility--Gas	23,880.99	30,053.99
190800	Utility--Rubbish Removal	0.00	72.27
191200	Utility--Water & Sewerage	52,257.24	107,238.20
<i>Total expenses</i>		499,395.46	1,001,164.29
Surplus/Deficit		(253,427.26)	(51,705.02)
Opening balance		(45,584.29)	6,120.73
Closing balance		<u>- \$299,011.55</u>	<u>- \$45,584.29</u>

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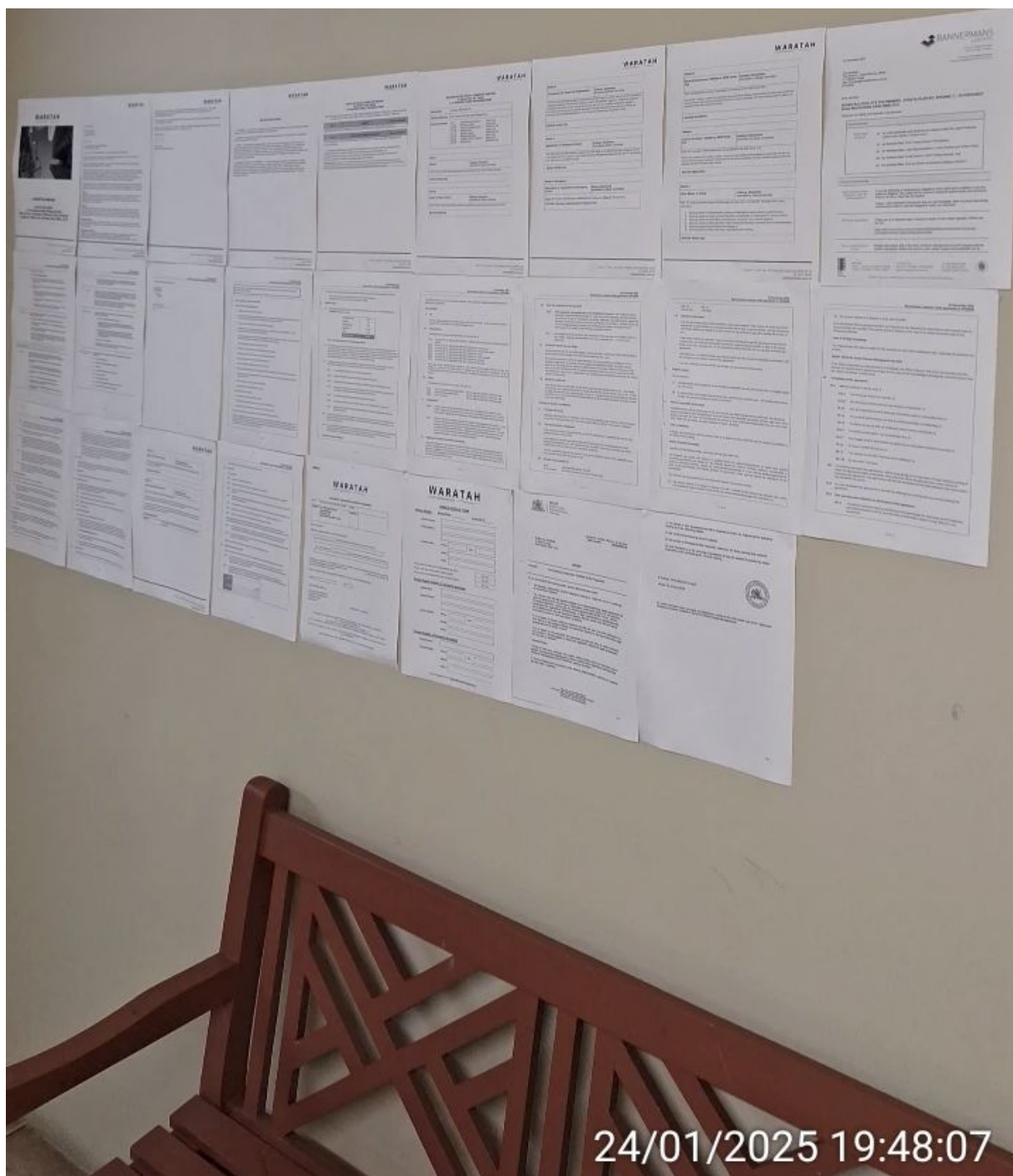
12) Applicant provided special folder to NCAT and the Respondents on 7 July 2025. It was titled:

Respondents' false statements, persistent contempt of court, and evidence since Hearing on 22 April 2025

13) In part 6 of Applicant's folder, paragraph 6.1 was titled:

Committee meeting on 6 January 2025 non-compliant, void, and invalid in its entirety - doctrine of approbate and reprobate, and legal principles of ratification

14) Notice for committee meeting was created on 24 January 2025 and contained minutes of alleged committee meeting on 6 January 2025 (but this time they added unsigned copy of Bannermans Lawyers Standard Costs Agreement which was not given to owners in agenda for committee meeting on 6 January 2025, and a copy of the Tribunal Orders, which was not part of the electronic agenda sent to owners for committee meeting on 6 January 2025) and put on walls in basement of four buildings in a disorganised manner (two notice boards near letterboxes outside the complex had only three pages of the agenda visible):



15) In Stan Pogorelsky's witness statement, which Bannermans Lawyers submitted on 20 March 2025, the following misleading statement was listed:

Attachment "35"

From: Uniqueco Pty Ltd <sp52948.uniqueco@gmail.com>
Sent: Friday, 24 January 2025 9:20 AM
To: Alex Tomasko <Alex.Tomasko@waratahstrata.com.au>
Subject: Re: SP52948 - Strata Committee Meeting

Good Morning Alex,

Confirming that the Agenda notice (24 pages) & NCAT Orders (2 pages) for SP52948 have been placed on all the notice boards as from this morning.

Can you please confirm when the notices can come down.

Thank you.

Have a nice day.

Kind regards,

Sandra Carbone
Admin
Uniqueco Pty Ltd

15.1) In Applicant's submissions on 29 January 2025, evidence that refutes the witness statement was provided, showing that the above notices were published on walls several meters away from the notice boards (not on notice boards themselves) and two notice boards near letterboxes outside the complex had only three pages of the agenda visible:

SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-1-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-2-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-3-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-4-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-5-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-6-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-7-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-8-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-9-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-10-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-11-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-12-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-1-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-13-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-14-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-15-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-16-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-17-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-18-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-19-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-20-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-21-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-22-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-2-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-23-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-24-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-25-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-26-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-27-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-28-24Jan2025.webp
SP52948-Block-A-basement-wall-with-26-page-agenda-for-committee-meeting-page-29-24Jan2025.webp

15.2) Furthermore, two external notice boards near letterboxes did not provide significant information to owners:



24/01/2025 19:53:29

16) On 24 January 2025, Waratah Strata Management’s website still did not have agenda for committee meeting dated 24 December 2024 (scheduled for 6 January 2025) and agenda for committee meeting dated 24 January 2025 (for committee meeting schedule for 6 February 2025):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-24Jan2025.pdf>

1/24/25, 6:09 PM

Documents

WARATAH

STRATA MANAGEMENT

Strata Plan 52948

Enter Keyword

Q

Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of ...			17/07/2024

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17) On 31 January 2025 (one week after the meeting agenda was created), Waratah Strata Management’s website still did not have agenda for committee meeting dated 24 December 2024 (scheduled for 6 January 2025) and agenda for committee meeting dated 24 January 2025 (for committee meeting schedule for 6 February 2025):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-31Jan2025.pdf>

1/31/25, 9:27 AM

Documents



Strata Plan 52948

Enter Keyword

Q

Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of ...			17/07/2024

18) On 5 February 2025 (two weeks after the meeting agenda was created), Waratah Strata Management’s website still did not have agenda for committee meeting dated 24 December 2024 (scheduled for 6 January 2025) and agenda for committee meeting dated 24 January 2025 (for committee meeting schedule for 6 February 2025):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-afternoon-5Feb2025.pdf>

2/5/25, 5:17 PM

Documents



Strata Plan 52948

Enter Keyword

Q

Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of ...			17/07/2024

19) Even at 16:39 hours on 6 February 2025 (well after the alleged committee meeting on the same day), owners did not have any information on Waratah Strata Management’s website:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-morning-6Feb2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-afternoon-6Feb2025.pdf>

2/6/25, 4:39 PM

Documents



Strata Plan 52948

Enter Keyword

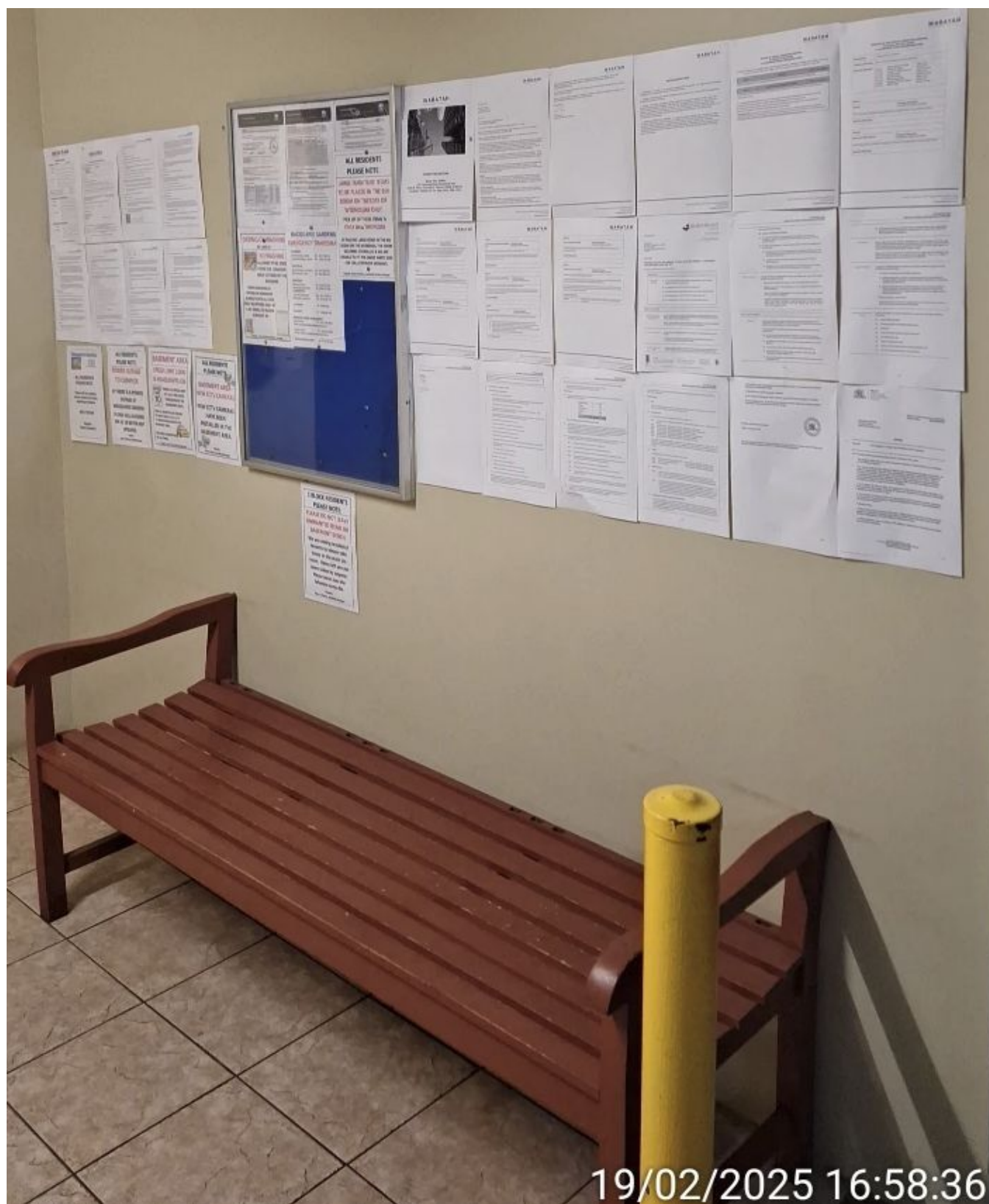
Q

Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of ...			17/07/2024

20) On 19 February 2025, one day before the Directions Hearing (scheduled for 20 February 2025), notice boards and notice boards were still displaying the agenda for committee meeting dated 6 February 2025 (its minutes not published yet):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-A-notice-board-morning-19Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-C-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.webp>



**ALL RESIDENTS
PLEASE NOTE:
POWER OUTAGE
AT COMPLEX**

**IF THERE IS A POWER
OUTAGE AT
MACQUARIE GARDENS
PLEASE CALL AUSGRID
ON 13 13 88 FOR ANY
UPDATES.**

Regards,
Steve Carbone, Building Manager

**ALL RESIDENTS
PLEASE NOTE:**

**BASEMENT AREA -
NEW CCTV CAMERAS**

**NEW CCTV CAMERAS
HAVE BEEN
INSTALLED IN THE
BASEMENT AREA.**

Regards,
Steve Carbone, Building Manager

**MACQUARIE GARDENS
EMERGENCY TRADESMAN**

PLUMBING
NCA Plumbing - Stuart Ph: 0411 718 811
Pioneer Plumbing - Jason Ph: 0433 901 188

ELECTRICAL
Tony's Handyman Electric Ph: 0414 278 026
New Electrical - Ray Ph: 0439 491 842

HANDYMAN
Marvyn Gordon Ph: 0471 984 275
Wayne Handman Maitland Ph: 0410 277 028
Locksmith488 Ph: 0410 700 072
Lynn Bink & Son Ph: 0418 152 781
Maidroom - Canberra Ph: 0800 1803

APPOINTMENT
Ph: 0204 402 909

WAKASHI STRATA MANAGEMENT
Asha Lohary Ph: 0411 7235 284
Email: Ashah.Lohary@wakashistrata.com.au
Mobile: 0411 7235 284
Email: ashah.lohary@wakashistrata.com.au

**ALL RESIDENTS
PLEASE NOTE:**

**LARGE FURNITURE ITEMS
TO BE PLACED IN THE BIN
ROOM ON TUESDAY OR
WEDNESDAY ONLY.
PICK UP OF THESE ITEMS IS
ONLY ON A THURSDAY.**

**BY PLACING LARGE ITEMS IN THE BIN
ROOM ON THE WEEKENDS, THE ROOM
BECOMES OVERFILLED & WE ARE
UNABLE TO FIT THE LARGE WASTE BINS
FOR COLLECTION ON MONDAYS.**

Regards, Steve Carbone, Building Manager

**BASEMENT AREA
SPEED LIMIT 10KM
& HEADLIGHTS ON**

SPEED LIMIT 10

THERE IS A SPEED LIMIT
OF 10KM PER HOUR
THROUGHOUT THE
BASEMENT LEVEL.

CAR ALL DRIVERS ALSO ENSURE
TO HAVE THEIR HEADLIGHTS
ON WHEN TRAVELLING IN THE
BASEMENT AREA.

THIS AREA IS MONITORED
AT ALL TIMES.

Regards, Steve Carbone, Building Manager

**DRYING OF WASHING
8:30-12:00**

**NO WASHING
ALLOWED TO BE SEEN
FROM THE COMMON
AREA OUTSIDE OF THE
BUILDING**

WHEN WASHING IS
DRYING IN SUNROOM
BLINDS/VERTICALS CAN
ONLY BE OPENED ONLY AT
A 45° ANGLE TO ALLOW
SUNLIGHT IN

Regards, Steve Carbone, Building Manager

19/02/2025 06:30:23

21) In the morning of 20 February 2025 (day of Directions Hearing) Waratah Strata Management’s website and notice boards were still displaying the agenda for committee meeting dated 6 February 2025 (its minutes not published yet):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-A-notice-board-morning-20Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-morning-20Feb2025.pdf>

2/20/25, 7:53 AM

Documents



Strata Plan 52948

Enter Keyword

Q

Document Type	Creditor	Description	Date
Debt Recovery Notice		Manual	12/02/2025
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024

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TO COMPLEX**

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OUTAGE AT
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PLEASE CALL AUSGRID
ON 13 13 88 FOR ANY
UPDATES.

Regards,
Steve Carbone, Building Manager

**ALL RESIDENTS
PLEASE NOTE:**

**BASEMENT AREA -
NEW CCTV CAMERAS**

NEW CCTV CAMERAS
HAVE BEEN
INSTALLED IN THE
BASEMENT AREA.

Regards,
Steve Carbone, Building Manager

**MACQUARIE GARDENS
EMERGENCY TRADESMAN**

PLUMBER
MCT Plumbing - Stuart
Phone: 0411 148 074
Mobile: 0411 148 074

ELECTRICAL
Tony's Electrical - Tony
Phone: 0414 578 024
Mobile: 0414 578 024

PAINTING
Painting & Decorating - Paul
Phone: 0411 148 074
Mobile: 0411 148 074

LOCKSMITH
Locksmiths - Locksmiths
Phone: 0411 148 074
Mobile: 0411 148 074

ALUMINUM
Aluminum - Aluminum
Phone: 0411 148 074
Mobile: 0411 148 074

WATER
Water - Water
Phone: 0411 148 074
Mobile: 0411 148 074

ROOFING
Roofing - Roofing
Phone: 0411 148 074
Mobile: 0411 148 074

GLASS
Glass - Glass
Phone: 0411 148 074
Mobile: 0411 148 074

CONCRETE
Concrete - Concrete
Phone: 0411 148 074
Mobile: 0411 148 074

PAVING
Paving - Paving
Phone: 0411 148 074
Mobile: 0411 148 074

LANDSCAPING
Landscaping - Landscaping
Phone: 0411 148 074
Mobile: 0411 148 074

WALLPAPER
Wallpaper - Wallpaper
Phone: 0411 148 074
Mobile: 0411 148 074

CEILING
Ceiling - Ceiling
Phone: 0411 148 074
Mobile: 0411 148 074

FLOORING
Flooring - Flooring
Phone: 0411 148 074
Mobile: 0411 148 074

SCREENING
Screening - Screening
Phone: 0411 148 074
Mobile: 0411 148 074

PAINTING
Painting - Painting
Phone: 0411 148 074
Mobile: 0411 148 074

ROOFING
Roofing - Roofing
Phone: 0411 148 074
Mobile: 0411 148 074

GLASS
Glass - Glass
Phone: 0411 148 074
Mobile: 0411 148 074

CONCRETE
Concrete - Concrete
Phone: 0411 148 074
Mobile: 0411 148 074

PAVING
Paving - Paving
Phone: 0411 148 074
Mobile: 0411 148 074

LANDSCAPING
Landscaping - Landscaping
Phone: 0411 148 074
Mobile: 0411 148 074

WALLPAPER
Wallpaper - Wallpaper
Phone: 0411 148 074
Mobile: 0411 148 074

CEILING
Ceiling - Ceiling
Phone: 0411 148 074
Mobile: 0411 148 074

FLOORING
Flooring - Flooring
Phone: 0411 148 074
Mobile: 0411 148 074

SCREENING
Screening - Screening
Phone: 0411 148 074
Mobile: 0411 148 074

**ALL RESIDENTS
PLEASE NOTE:**

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TO BE PLACED IN THE BIN
ROOM ON TUESDAY OR
WEDNESDAY ONLY.**

PICK UP OF THESE ITEMS IS
ONLY ON A THURSDAY.

BY PLACING LARGE ITEMS IN THE BIN
ROOM ON THE WEEKENDS, THE ROOM
BECOMES OVERFILLED & WE ARE
UNABLE TO FIT THE LARGE WASTE BINS
FOR COLLECTION ON MONDAYS.

Regards, Steve Carbone, Building Manager

**BASEMENT AREA
SPEED LIMIT 10KM
& HEADLIGHTS ON**

THERE IS A SPEED LIMIT
OF 10KM PER HOUR
THROUGHOUT THE
BASEMENT AREA.

CAN ALL OWNERS ALSO ENSURE
TO HAVE THEIR HEADLIGHTS
ON WHEN TRAVELLING IN THE
BASEMENT AREA.

THIS AREA IS MONITORED
AT ALL TIMES.

Regards, Steve Carbone, Building Manager

**DRYING OF WASHING
BY-LAW 18**

NO WASHING
ALLOWED TO BE SEEN
FROM THE COMMON
AREA OUTSIDE OF THE
BUILDING.

WHEN WASHING IS
DRYING IN-SUBROOM
BLINDS/VERTICALS CAN
ONLY BE OPENED ONLY AT
A 45° ANGLE TO ALLOW
SUNLIGHT IN.

Regards, Steve Carbone, Building Manager

20/02/2025 07:59:37

22) In the afternoon of 20 February 2025, after the second Directions Hearing, Waratah Strata Management’s website published the agenda and minutes of the meeting scheduled for 6 February 2025 and backdated them to 6 February 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-afternoon-20Feb2025.pdf>

2/20/25, 6:35 PM

Documents

WARATAH

STRATA MANAGEMENT

Strata Plan 52948

Enter Keyword

Q

Document Type	Creditor	Description	Date
Debt Recovery Notice		Manual	12/02/2025
MINUTE BOOK			06/02/2025
MINUTE BOOK			06/02/2025
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024

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23) Here is how Waratah Strata Management and committee members forged date of publishing alleged committee meeting agenda (dated 24 January 2025) and minutes (dated 6 February 2025) and backdated them to 6 February 2025 on their website on 20 February 2025 (after second NCAT Directions Hearing which was conducted on 20 February 2025), whilst minutes of that meeting were still not published on notice boards.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Waratah-Strata-Management-forging-dates-of-committee-meeting-20Feb2025.webp>

2/19/25, 5:49 PM

WARATAH
STRATA MANAGEMENT

Documents

Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
Debt Recovery Notice		Manual	12/02/2025
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024

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2/20/25, 6:35 PM

WARATAH
STRATA MANAGEMENT

Documents

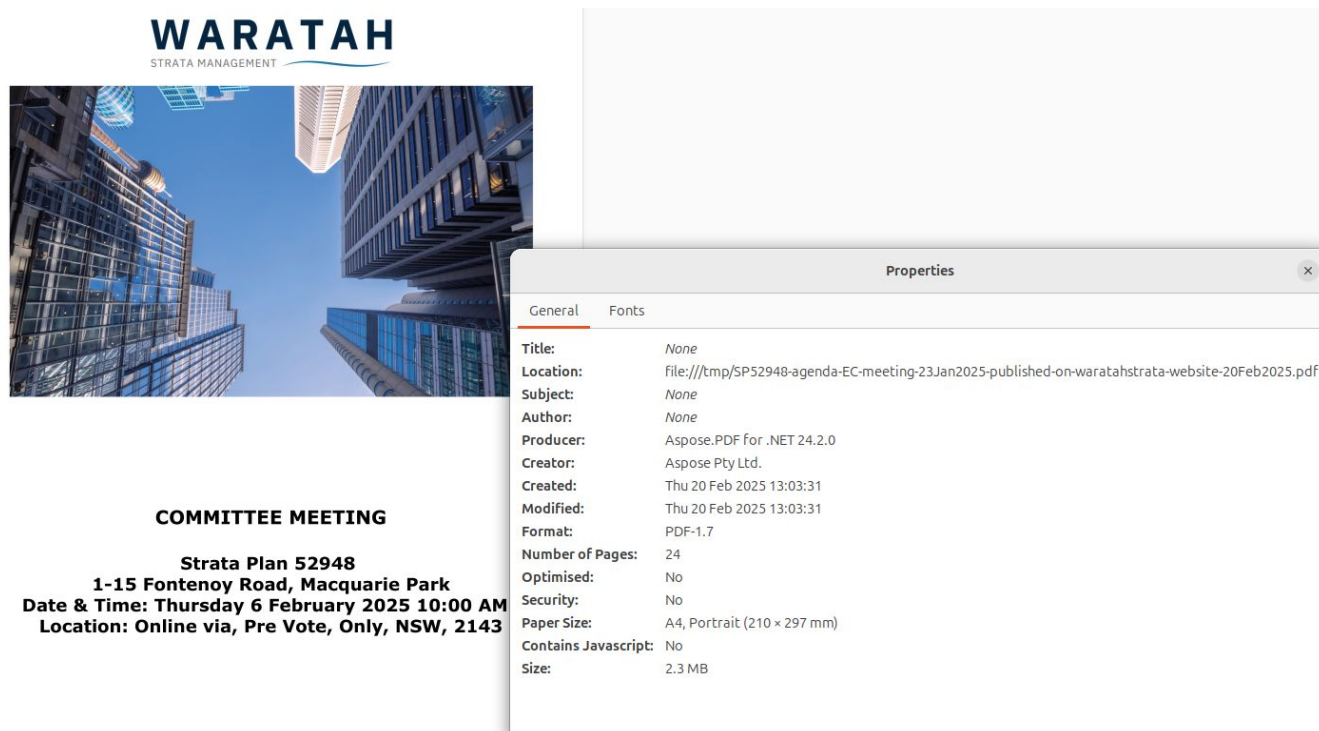
Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
Debt Recovery Notice		Manual	12/02/2025
MINUTE BOOK			06/02/2025
MINUTE BOOK			06/02/2025
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024

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24) Agenda of the committee meeting scheduled for 6 February 2025, as published on Waratah Strata Management website, was created on 20 February 2025:



25) Some owners received email with this agenda at 16:04 hours on 23 January 2025, directly prejudicing all other owners who did not rely on email services:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-email-with-agenda-for-rushed-committee-meeting-23Jan2025.pdf>

From: Strata Voting <noreply@stratavote.com>
To: SP52948 owner <redacted to protect the owner>
Sent Thursday 23 January 2025 at 04:40:32 pm AEDT
Subject: Meeting Notice - DO NOT DELETE THIS EMAIL

RE: Plan No. 52948 - MACQUARIE GARDENS 1-15 Fontenoy Road Macquarie Park

An Strata Committee Meeting has been scheduled as follows:-

Date: 06 Feb 2025
Time: 10:00 AM
Venue: Online via, Pre Vote, Only, NSW, 2143

26) Agenda was not sent to Applicant denying him the right to vote, whilst evidence if it was sent to all other owners who do not live in the complex has been undisclosed by Waratah Strata Management and Bannermans Lawyers as of 18 September 2025.

These two web links (URLs) were not available for the Applicant:

<https://app.stratavote.com/MeetingSite/MeetingPaper.aspx?guid=undisclosed-to-protect-owners-privacy>

<https://mandrillapp.com/track/click/<protected-ID>/app.stratavote.com?p=undisclosed-to-protect-owners-privacy>

26.1) StrataVote contents for committee meeting on 6 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-StrataVote-for-committee-meeting-redacted-6Feb2025.pdf>

27) On 20 February 2025, Applicant received auto-response from Waratah Strata Management that strata manager Alex Tomasko was planning to attend the Hearing on 20 February 2025. Unless he attended some other Hearing on that day, which was not very plausible and such coincidence would be too weak to support and justify without Waratah Strata Management providing more evidence, reasonable conclusion is that he was prevented by someone to attend the NCAT Directions Hearing in case 2024/00454780:

Subject: Automatic reply: COMPLAINT: NCAT 2024/00454780-001 - SP52948 failed to comply with Tribunal Order dated 15 January 2025

From: Alex Tomasko <Alex.Tomasko@waratahstrata.com.au>

Date: 19/2/25, 19:28

To: SP52948 Lot 158 owner

Thank you for your email.

I am out of the office attending a hearing on **Thursday, 20 February 2025**. Please note that I will not be monitoring emails during my absence. I will endeavour to respond to your email as quickly as possible upon my return.

If your matter is urgent, please contact the office on 9114 9599 where your call will be directed to an alternate team member to assist with your urgent matter.

Thank you for your patience.

27.1) On 20 February 2025 only Bannermans Lawyers appeared on behalf of SP52948, in spite of not complying with Tribunal Orders on 15 January 2025 and again not showing any evidence of their legal engagement:

<https://www.nswstratasleuth.info/SP52948-year-2025/NCAT-2024-00454780-001-Directions-Hearing-Orders-redacted-15Jan2025.pdf>

On 15 January 2025 the following orders (and/or directions) were made:

- 1 The hearing is adjourned to a further directions' hearing on a date and time to be confirmed by the divisional registrar.
- 2 The Tribunal notes that the applicant objects to the respondent being legally represented. He seeks an opportunity to file and serve submissions outlining the reasons for his objections. For today's directions' hearing only, the Tribunal granted leave for Ms J Pham, solicitor, to represent the respondents. Whether leave for legal representation is granted generally will be determined at the next directions' hearing, after the parties have filed and served submissions, points of claim and points of defence.
3. On or before 29 January 2025, the applicant is to file and serve his written submission (no more than 5 A4 size pages) outlining his reasons for objection to the respondents being legal represented and his points of claim*.
4. On or before 12 February 2025, the respondent is to file and serve its written submission (no more than 5 A4 size pages) in reply to the applicant's objection to legal representation and its points of defence**.

Important Notes:

* Points of claim are a summary of the claim, stating briefly in point form the orders that are sought, the reasons for seeking each of those orders and the legal basis under the Strata Schemes Management Act 2015 NSW for seeking the orders.

** Points of Defence are a summary of the defence, stating briefly in point form the reasons that the claim is opposed.

5. The parties or their representatives will be expected to inform the Tribunal at the directions' hearing as to the following matters:

- (1) the ambit of the remaining issues in dispute,
- (2) the number of witnesses in their respective cases and the likely hearing time required,
- (3) such directions (e.g., for exchange of evidence) as may be required to enable the proper preparation of the proceedings for a formal hearing.

D Charles, Senior Member (Legal)

Issued: 15 January 2025



27.2) In Applicants submission on 7 July 2025 (Paragraph 11.20), further evidence was provided of Bannermans Lawyers' contempt of court:

11.20) Ms. Jennifer Pham from Bannermans Lawyers failed to comply with Tribunal Order at Directions Hearing on 15 January 2025 to provide the Applicant with her response to statement of claim on or before 12 February 2025 and Tribunal Order at Directions Hearing on 20 February 2025 to provide the Applicant with a copy of all documents on or before 20 March 2025

11.20.1) On 15 January 2025 Tribunal made an order number 4 that the Respondent serves its written submission (no more than 5 A4 size pages) in reply to the Applicant's objection to legal representation and its points of defence by or before 12 February 2025.

11.20.2) Bannermans Lawyers failed to comply with Tribunal order and the Applicant never received their document, preventing him from properly preparing for second Directions Hearing on 20 February 2025, which was confirmed in the Applicant's email to NCAT on 14 February 2025 at 09:21 hours:

"Dear Tribunal members,

As of 14 February 2025 (three days after the deadline), SP52948 has not provided me with any responses, as listed in your Directions Hearing Order 4 on 15 January 2025. This abuse of the Tribunal processes has already happened six times before."

11.20.3) Ms. Pham provided false statements in her appearance at Directions Hearing on 20 February 2025. Evidence in certified audio recording obtained by the Applicant in file CIVIC17-1_20250220-0915_01db8377ee4e0900.mp3. She claimed that her responses were sent via courier and when the letter did not arrive to the Applicant she was never able to provide such evidence.

11.20.4) Applicant's Attachment 3 contains details of his email to Bannermans Lawyers, which was ignored by the Solicitors since 20 February 2025.

11.20.5) Applicant's Attachment 52 contains details of his email to NCAT, Waratah Strata Management, and committee members on 20 March, 23 March, and 27 March 2025.

Applicant wrote the following, in part of his complaint:

"SP52948 to provide unredacted evidence that these two submissions were delivered to Lot 158:

- *NCAT Orders 4 and 5 at Directions Hearing on 15 January 2025 (deadline was 12 February 2025).*
- *NCAT Orders 4 and 5 at Directions Hearing on 20 February 2025 (deadline was 20 March 2025).*

The is what is required for NCAT, NSW Fair Trading, and the Police (if the letters/parcels were not delivered to Lot 158, and they were stolen or misappropriated, they create risk to Lot 158 due to potential leaks of private and sensitive data):

- *Proof that the respondent engaged Australia Post and/or express couriers to deliver printed files.*
- *Proof of letter/parcel payments to Australia Post and/or express couriers.*
- *Signature of the person(s) who received the documents.*
- *Date and exact times when the parcels/letters were posted.*
- *Date and time when parcels/letters were delivered to Lot 158.*
- *Evidence of what Waratah Strata Management and committee members did when they received Lot 158 warnings about missing documents on 14 February 2025, 19 February 2025, and 20 March 2025."*

No responses were ever received.

28) Waratah Strata Management failed to comply with Bannermans Lawyers recommendation in their Standard Costs Agreement on page 2:

Recommendations

I provide the following recommendation which may change upon review of the written materials and evidence to be filed.

- Notify the strata schemes insurer about a claim on the legal defence costs cover.
- Display a copy of the Tribunal application on any noticeboard maintained by the owners corporation;
- Serve a copy of the Tribunal application on all owners, except any owners who are named as parties to the application;
- Consider the **attached** factsheets and flowchart concerning these types of matters, '*NCAT Strata Division Proceedings*', '*Legal Representation in Home Building and Strata Cases*', '*Costs Orders in NCAT Strata Disputes*' and '*How Do Owners Corporations Engage Lawyers?*'.

29) Waratah Strata Management failed to comply with Bannermans Lawyers recommendation for approval in their Standard Costs Agreement on page 2:

Approval

An owners corporation or strata committee must not obtain legal services for which payment may be required unless a resolution approving the obtaining of those services is passed at a general meeting of the owners corporation.

A strata committee may obtain legal services without obtaining approval at a general meeting where:

- (a) it is of the opinion that urgent action is necessary to protect the interests of the owners corporation and the costs of the legal services does not exceed \$15,000; or
- (a) non urgent action is necessary, and the costs of the legal services do not exceed \$3,000; or
- (b) it is necessary to obtain legal advice before commencing legal action; or
- (c) to take legal action to recover unpaid levy contribution, interest on unpaid contributions or related expenses; and
- (d) the general meeting has not restricted the strata committee from approving such a fee proposal; and
- (e) the secretary of the owners corporation has not received written notice opposing the approval by the strata committee from owners whose unit entitlements exceed one-third the aggregate unit entitlements.

30) Waratah Strata Management failed to comply with Bannermans Lawyers circulation in their Standard Costs Agreement on page 3:

Circulation

Section 105 of the *Strata Schemes Management Act 2015* provides that if the costs agreement and disclosure is required to be approved by general meeting, that the scheme must circulate the attached costs agreement and disclosure (not this cover letter) to all owners and committee members within 14 days of receipt.

Please note that the requirement to circulate the costs agreement and disclosure has been found by the courts to be directory and not mandatory. There is no penalty or apparent consequence for non-compliance with this requirement.

31) As of 18 September 2025, Waratah Strata Management failed to comply with Bannermans Lawyers requirements for engagement in their Standard Costs Agreement on page 3:

**Engagement documents
required**

In order to engage our services please provide a copy of any of the readily available information:

- (a) signed costs agreement;
- (b) minutes resolving the suggested motions above;
- (c) strata plan;
- (d) common property certificate of title or title search;
- (e) any registered by-laws;
- (f) contact details of the owner;
- (g) witness contact details (to obtain a witness statement); and
- (h) any other relevant documents or correspondence.

32) Instead of strata manager Alex Tomasko, Bannermans Lawyers appeared at Directions Hearing on 20 February 2025 and wasted Tribunals time, without offering any evidence of their retainer, or disclosing that their Standard Costs Agreement exclusively stated attendance of only one Directions Hearing (page 5):

Please note this does not include:

- o Attending more than one directions hearing
- o Attending the Tribunal to obtain copies of any further submissions
- o Drafting further submissions in response to any further submissions

The manner in which we propose that the work be conducted is as set out above.

We have an obligation, which we take seriously, to satisfy ourselves that you understand and give consent to the proposed course of action for conduct of the matter and the proposed costs. For that purpose, we have provided the information set out above and would appreciate your letting us know whether you require any clarification of this information or require any further information.

33) Bannermans Lawyers estimate of costs had limited scope and yet Waratah Strata Management refused to organise a general meeting:

Please note this does not include:

- o Attending more than one directions hearing
- o Attending the Tribunal to obtain copies of any further submissions
- o Drafting further submissions in response to any further submissions

The manner in which we propose that the work be conducted is as set out above.

We have an obligation, which we take seriously, to satisfy ourselves that you understand and give consent to the proposed course of action for conduct of the matter and the proposed costs. For that purpose, we have provided the information set out above and would appreciate your letting us know whether you require any clarification of this information or require any further information.

34) Waratah Strata Management ignored Bannermans Lawyers warnings about costs in tribunal proceedings when one party was unreasonably disadvantaged in their Standard Costs Agreement on page 9:

The Tribunal may also award costs in the absence of special circumstances where:

- (i) the amount claimed or in dispute is between \$10,000 – \$30,000 and the Tribunal has deemed that a party has conducted the proceedings in such a way that unreasonably disadvantages the other party; or

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23 December 2024
Bannermans Lawyers costs agreement to SP52948

- (ii) the amount claimed or in dispute is more than \$30,000.

In circumstances where costs are awarded, the Tribunal has the discretion to determine to what extent costs of the proceedings are awarded. This may be solely in relation to the costs of or incidental to the costs of the Tribunal proceedings.

35) As of 18 September 2025, Waratah Strata Management failed to provide any evidence of compliance with Bannermans Lawyers requirements for acceptance of their offer in their Standard Costs Agreement on page 12:

16. Acceptance of this offer

If you accept this offer you will be regarded as having entered into a costs agreement. This means you will be bound by the terms and conditions set out in this document, including being invoiced in accordance with it. Acceptance may be by any one of the following ways:

- 16.1** signing and returning a copy of this document; and/or
- 16.2** payment of money into my trust account for any anticipated costs; and/or
- 16.3** providing instructions to me or someone else in my office after receiving this document; and/or
- 16.4** oral acceptance.

36) Waratah Strata Management never published details of legal costs in January and February 2025, deliberately keeping owners uninformed:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-morning-28Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-afternoon-29Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-26Feb2025.pdf>

Cost center 153200 (Admin--Legal & Debt Collection Fees) on 28 January 2025: (\$340.00)

Cost center 153200 (Admin--Legal & Debt Collection Fees) on 29 January 2025: \$3,037.27

Cost center 153200 (Admin--Legal & Debt Collection Fees) on 26 February 2025: \$8,523.27

37) In “PART 3: Bannermans Lawyers Solicitor Jennifer Pham misconduct and contempt of court at Directions Hearing on 20 February 2025 with additional evidence in certified audio recording obtained by the Applicant in file CIVIC17-1_20250220-0915_01db8377ee4e0900.mp3” of Applicants submission on 7 July 2025, evidence was provided about Bannermans Lawyers Ms. Pham misconduct:

3.1) Mr. Pham again did not bring any evidence of her retainer.

3.2) Mr. Stan Pogorelsky again did not appear at the Directions Hearing, in spite of being direct subject for one of the Applicant’s orders (direct Respondent).

3.3) When the Tribunal asked where the second Respondent was (Mr. Stan Pogorelsky), Ms. Pham replied with these exact words “No, I do not act for Mr. Pogorelsky”.

3.4) Ms. Pham did not provide any evidence that all nine members of the committee received the Applicant’s submissions and Solicitor’s Standard Costs Agreement before committee meetings on 6 January and 6 February 2025.

3.5) Ms. Pham did not provide any evidence that all owners and tenants received the Applicant’s submissions and Solicitor’s Standard Costs Agreement before committee meetings on 6 January and 6 February 2025.

3.6) Applicant made a statement that Admin Fund already recorded legal expenses around \$3,000.00 without evidence of signed Standard Costs Agreement or proofs of validity of committee meetings on 6 January 2025 and 6 February 2025.

3.7) Applicant firmly stated that the committee meetings dated 6 January 2025 and 6 February 2025, which allegedly approved Bannermans Lawyers engagement, were non-compliant with strata laws.

3.8) Applicant made a complaint that he still did not receive Respondent’s points of claim, as per Tribunal orders made on 15 January 2025 and questioned if he was forced to change summonses for Mr. Pogorelsky several times due to simple procedural errors, should the same apply to Bannermans Lawyers.

Ms. Pham denied the allegations and made a claim that she sent the points of claim via email (which the Applicant did not receive) and via courier.

Straight after the Directions Hearing, Applicant sent a request to Bannermans Lawyers to provide evidence of courier delivery (date, time, tracking number) – Applicant’s Attachment 3. They never responded and the courier has never delivered such document to the Applicant.

3.9) Bannermans Lawyers failed to respond to Applicant’s email since 20 February 2025 – Applicant’s Attachment 3.

3.10) After appearing at the Hearing on 22 April 2025 where two Bannermans Lawyers still failed to produce evidence of their retainer, they stayed silent to Applicant’s email since 23 April 2025 - Applicant’s Attachment 4.

3.11) Bannermans Lawyers failed to respond to Applicant’s email on 24 April 2025 - Applicant’s Attachment 5.

38) Straight after the Directions Hearing on 20 February 2025, which Bannermans Lawyers attended for the second time (first time was on 15 January 2025), without evidence of their legally-compliant engagement, Applicant sent warning to Bannermans Lawyers, which they ignored:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Lot-158-warning-to-Bannermans-Lawyers-about-NCAT-case-2024-00454780-20Feb2025.pdf>

Extract from the email:

Subject: Re: SP52948 | Case Number: 2024/00454780-001 Lot 158 v The Owners - Strata Plan No. 52948 | #22343
From: SP52948 Lot 158
Date: 20/2/25, 12:26
To: Jennifer Pham
CC: Joseph Bannerman

Dear Ms. Pham,

This document will be shared with five strata managers, eight committee members, and insurance company.

Negative balance (deficit) in Admin Fund today is -\$48,227.14 and no income is possible before next collection of levies on 1 May 2025.

Bleak scenario for financial period starting on 1 February 2025 (collection of new levies) - second quarter for FY 2025 (period from 1 February 2025 to 31 May 2025) will have these unavoidable expenses:

- Insurance premium renewal for second half of FY 2025 = around \$122,690.28
- Two monthly salaries for building manager Uniqueco Property Services in amount of approximately \$38,000.00 per month

Taking into account other recurring expenses (water, gas, electricity, and so on), Admin Fund will continue to be in significant deficit for most of second quarter of FY 2025.

You again appeared at the Directions Hearing today without any evidence. You are requested, as a matter of priority, to provide full responses (and unredacted files) for the following items by the end of this week. Your co-operation is highly appreciated as you have duty to court and all parties.

1) Before Directions Hearing on 20 February 2025, Lot 158 requested that Bannermans Lawyers produce evidence of the following to the Tribunal and Lot 158 and they failed to do it:

39) Before Directions Hearing on 20 February 2025, Applicant requested that Bannermans Lawyers produce evidence of the following to the Tribunal and they failed to do it:

- Unredacted electronic copy of all email correspondence between SP52948 representatives and Bannermans Lawyers since 10 December 2024.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with minutes of committee meeting on 6 January 2025 before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before sending their submission to NCAT on 12 February 2025, as per Directions Hearing Order.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 20 February 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 January 2025.

- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 February 2025.

40) As of 20 February 2025 (date of second Directions Hearing), Documents folder on Waratah Strata Management still did not record:

- Agenda for committee meeting allegedly sent on 24 December 2024 (day before major public holiday when almost all owners and tenants were away!),
- Minutes of committee meeting on 6 January 2025,
- Agenda for committee meeting allegedly sent on 24 January 2025,
- Minutes of committee meeting on 6 February 2025.

41) To avoid possibility of anyone questioning the above statements, video recording of Waratah Strata website was made on 12 February 2025 (more video evidence up to 20 February 2025 is also available):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Waratah-Strata-website-document-status-12Feb2025.mp4>

42) Applicant, and possibly all other owners relying on postal documents, did not receive notices and minutes of committee meetings dated 6 January 2025 and 6 February 2025.

Instead of minutes of the latest committee meeting (6 February 2025), which was supposed to ratify engagement of Bannermans Lawyers, walls in basement of four builds continued to display minutes for committee meeting allegedly held on 6 January 2025 and agenda for committee meeting scheduled for 6 February 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

Same applied to two notice boards near letterboxes:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-letterbox-1-notice-board-12Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-letterbox-2-notice-board-12Feb2025.webp>

Video recording on each page of this notice was documented in Block A:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.mp4>

This continued until the day of Directions Hearing on 20 February 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-20Feb2025.mp4>

43) Applicant provided special folder to NCAT and the Respondents on 7 July 2025. It was titled:

Respondents' false statements, persistent contempt of court, and evidence since Hearing on 22 April 2025

43.1) In part 6 of Applicant's folder, paragraph 6.1 was titled:

Committee meeting on 6 January 2025 non-compliant, void, and invalid in its entirety - doctrine of approbate and reprobate, and legal principles of ratification

43.2) Waratah Strata Management and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2024 and failed to collect 10% simple interest per year for overdue levies. First pages of Income & Expenditure Reports for May, June, July, August 2024 and up to 16 September 2024 confirm unpaid gas heating levies – Applicant's Attachment 57. Gas heating levies appeared for FY 2024 (financial year ending on 31 August 2024) for the first time on 17 September 2024, without 10% simple interest for overdue payments.

43.3) Waratah Strata Management and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2025 and failed to collect 10% simple interest per year for overdue levies – first pages of Income & Expenditure Reports for May and June 2025 and up to 6 July 2025 confirm unpaid gas heating levies – Applicant's Attachment 58.

43.4) Mr. Pogorelsky continued to deceive the Tribunal and failed to refute evidence that he owed SP52948 at least \$13,091.39 in unpaid gas heating levies (including 10% interest per year) since 1999. Calculations were done as per Mr. Stan Pogorelsky's own secret spreadsheet and available financials in Applicant's Attachment 15 and 16.

43.5) Evidence that notice for committee meeting on 6 January 2025 was published on six notice boards on 24 December 2024 (one day before most important public holidays in Australia) without detailed agenda (only two pages long) and without a copy of Bannermans Lawyers Standard Costs Agreement is in Applicant's Attachment 18.

43.6) Before and at first Directions Hearing on 15 January 2025 (even as late as 29 January 2025), owners did not receive full copies of the applications in NCAT case 2024/00454780, when a second desperate committee meeting for 6 February 2025 was scheduled on 24 January 2025. Strata manager did not provide owners with any of these documents related to NCAT case, in spite of the Applicant's pleas and warnings that all owners and tenants should receive them in a timely manner:

- Application Notice, issued by NCAT on 6 December 2024.
- Notice of Directions Hearing, issued by NCAT on 10 December 2024.
- Two more Applicant's Orders, as per email by NCAT on 10 December 2024.
- Mr. Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER, Applicant's email on 22 December 2024.
- Request for summons to Stan Pogorelsky, Applicant's email on 12 January 2025.
- Applicant's files, as per email on 14 January 2025.
- Bannermans Lawyers conflict of interest, Applicant's email on 15 January 2025.

43.7) In his witness statement on 20 March 2025, Mr. Pogorelsky deliberately prevented the Tribunal from having details of the agenda for the committee meeting dated 6 January 2025. Agenda was not provided to the Applicant and the Tribunal.

43.8) At second and third Directions Hearing, and full Hearing on 22 April 2025, Respondent coerced the Tribunal that committee meeting on 6 February 2025 in Motion 2 ratified only Motion 9 at committee meeting on 6 January 2025, without offering evidence. Other eight Motions at committee meeting on 6 January 2025 were not ratified on 6 February 2025.

43.9) Respondent and Bannermans Lawyers were well aware of weak defence for declaring committee meetings on 6 January and 6 February 2025 valid, so they rushed through process to run the electronic only pre-meeting voting Extraordinary General Meeting on 1 May 2025 (well after the Hearing on 22 April 2025), without notifying the Tribunal. That EGM is addressed separately.

43.10) AGM 2024 did not have Motion that SSMA prescribes for conducting electronic pre-meeting voting, as example from BCS Strata Management agenda for SP3840 on 25 March 2022 shows:

VOTING BY ELECTRONIC MEANS

Motions

- 3.1. That pursuant to Regulation 14 (1) (b) of the *Strata Schemes Management Regulation 2016 (NSW)*, the owners corporation approve the adoption of voting wholly by electronic pre-meeting voting for the next general meeting of the owners corporation.

Explanatory Note

Regulation 14 provides that an owners corporation or strata committee may adopt various electronic means of voting to apply to the next meeting of the owners corporation or strata committee. The motion above is to allow pre-meeting electronic voting through the means of Strata Vote or electronic voting paper.

43.11) How can EGM on 27 May 2025 ratify Motion 9 at committee meeting dated 6 January 2025, but did not ratify Motion 7 (other means of voting) which was the primary prerequisite to allow SP52948 to conduct so-called electronic general meeting only (no public present) for the first time since SP52948 was established in 1997 (even during Covid-19 period that did not happen)?

43.12) Adjourned electronic only pre-meeting voting EGM on 27 May 2025 in Motion 3 allegedly only ratified Motion 9 from committee meeting on 6 January 2025, whilst ignoring all others. Doctrine of approbate and reprobate (“you can’t have your cake and eat it too”). The phrase is borrowed from the Scotch law, where it is used to express the principle embodied in our doctrine of election – namely, that no party can accept and reject the same instrument. The doctrine of election is not however confined to instruments. A person cannot say at one time that a transaction is valid and thereby obtain some advantage, to which he could only be entitled on the footing that it is valid, and then turn round and say it is void for the purpose of securing some other advantage.

43.13) Part 18 and Attachments 57 and 58 of Applicant’s folder on 7 July 2025 provide evidence that Waratah Strata Management and committee members hid information that owners (including Mr. Stan Pogorelsky) were not listed for paying gas heating levies from May 2024 up to 16 September 2024, and May 2025 up to 1 July 2025, and failed to collect 10% simple interest per year for overdue levies.

In Court of Appeal, Supreme Court New South Wales case *The Owners - Strata Plan No 70798 v Bakkante Constructions Pty Ltd* [2014] NSWCA 410 dismissed owners corporation appeal and efforts to rely on belated ratification:

“The primary judge dismissed the motion. He did so having formed the view that the owners corporation had taken a “deliberate and informed choice not to agitate ratification prior to the hearing in June 2013”. That would appear to have been the primary factor on which he relied, although his reasons also address other concerns (including the need for there to be finality in litigation, the non-disclosure to the meeting in August of the decision not to seek ratification prior to the four day hearing in June 2013, inadequacy of the disclosure to the meeting in August 2013, legal doubt as to whether the mechanism pursuant to which the meeting was conducted (by the appointment of a strata managing agent pursuant to s 162 of the Act, who exercised powers in accordance with the votes of lot owners) was applicable, the fact that the validity of the August 2013 meeting was itself the subject of other proceedings, and some concerns over conflicts of interest). The final consideration relied upon by his Honour was that there had not been full disclosure to the (new) counsel who had been retained, whose advice was provided to the meeting, including of the fact that in June 2013 a deliberate decision had been taken not to hold a meeting to approve the litigation.”

43.14) For Motion to be ratified, full disclosure must be present. The ratification of a lawful contract has a retrospective effect, and binds the principal from its date, and not only from the time of the ratification, for the ratification is equivalent to an original authority, according to the maxim, that *omnis rati habitio mandate aequiparatur* (ratification is equivalent to express command). As a general rule, the principal has the right to elect whether he will adopt the unauthorized act or not. But having once ratified the act, upon a full knowledge of all the material circumstances, the ratification cannot be revoked or recalled, and the principal becomes bound as if he had originally authorized the act. The ratification must be voluntary, deliberate, and intelligent, and the party must know that without it, he would not be bound.

43.15) As of 18 September 2025, Bannermans Lawyers failed to respond to Applicant’s submission on 7 July 2025, specifically paragraph 4.7 to 4.11:

Tribunal member then pressed Mr. Pogorelsky to answer if he provided any of the nine groups of documents the Applicant requested through summonses.

In the first response, Mr. Pogorelsky claimed that he answered all Applicant's questions and the Tribunal member sharply interrupted with "I am asking you a specific question..." .

In the second response, Mr Pogorelsky said documents in the summonses were provided by Bannermans Lawyers. Tribunal member dismissed his statement, reminding him that Bannermans Lawyers did not represent him but owners corporation. Mr. Pogorelsky acknowledged it.

- The Tribunal member asked Mr. Pogorelsky if he had the first document(s) listed in the summonses (Detailed Revenue for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 was financial to vote and be a committee member). Mr Pogorelsky stated that he did not have it personally.
- The Tribunal member asked Mr. Pogorelsky if he had the second document(s) listed in the summonses (Detailed Expenses for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 did not receive any payments from common funds). Mr Pogorelsky stated that he did not have it personally.
- The Tribunal member asked Mr. Pogorelsky if he had the third document(s) listed in the summonses (Detailed Expenses for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780 before the Hearing). Mr Pogorelsky stated that he did not have it personally.
- The Tribunal member asked Mr. Pogorelsky if he had the fourth document(s) listed in the summonses (Detailed Revenue for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780 before the Hearing). Mr Pogorelsky stated that he did not have it personally.
- The Tribunal member asked Mr. Pogorelsky if he had the fifth document(s) listed in the summonses (Levy invoices for Mr. Stan Pogorelsky (Lot 181) in period from 1 February 2017 to the date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing - proof Lot 181 was financial to vote and be a committee member).

Mr Pogorelsky stated that it was answered in his summonses but the Tribunal member dismissed such statement and asked if Mr. Pogorelsky had those files or not. Mr. Pogorelsky than said: "I do have documents on that". The Tribunal member asked "And did you produce any of these documents?" where Mr. Pogorelsky answered "I did, in my summons answer".

The Tribunal then asked "And did you produce all of the documents that you hold on that particular matter?" where Mr. Pogorelsky answered "Yes".

- The Tribunal member asked Mr. Pogorelsky if he had the sixth document(s) listed in the summonses (Evidence and results of SP52948 obtaining independent legal advice in regards to Lot 158 claims of Solicitor Adrian Mueller's corruption and Lot 158 being a committee member, as recommended by the Solicitor himself in email to SP52948 representatives on 9 June 2022). The Tribunal member then changed her mind and stated that the Applicant did not have any rights to these legal documents. That was a misleading statement which did not address the issue that, if the Applicant was allegedly not allowed to access such document Mr. Pogorelsky prevented even NCAT and other 218 owners from access to such document (non-compliance with summonses). The Applicant then stated he had full rights to such documents because Mr. Pogorelsky was unfinancial and was preventing Applicant's work as committee member. The Applicant challenged the Tribunal member's statement that the Applicant was not allowed to view the document if he was a party to the legal proceedings. The Applicant said: "But the Tribunal has the right to see them. Am I right that the Tribunal has the right to view them?" and the Tribunal responded: "Whether the Tribunal views them or not is irrelevant to this claim today. You do not have the right to view them".

In Australia, legal professional privilege, which protects confidential communications between a lawyer and client, does not apply when those communications are used to further a crime or fraud:

Crime-Fraud Exception: this exception to privilege arises when the client's purpose in seeking or receiving legal advice is to engage in or conceal criminal or fraudulent conduct.

Loss of Privilege: if the client uses legal advice to further a crime or fraud, the privilege is lost, and the communications can be disclosed in legal proceedings.

Public Interest Exception: even if the crime-fraud exception does not strictly apply, legal privilege may be overridden if there is a strong public interest in disclosing the communication, such as in cases of corruption or misconduct.

In Applicant's Attachment 6, he said to Waratah Strata Management, among the other things:

"SP52948 and Solicitor Adrian Mueller constantly used defence of privilege when preventing access to strata documents. Probably the same will apply to Bannermans Lawyers who misappropriated around \$13,000.00 in FY 2025, without their proper engagement at any legally convened meeting (current undeclared and unexplained legal costs, as of early July 2025, grew to \$35,638.38).

For privilege to apply it is necessary to show a communication was confidential, and that its dominant purpose was for the purpose of obtaining legal advice or for actual or anticipated litigation. Privilege may be able to be enforced via an injunction to restrain unauthorised use of privileged communications or via court processes during litigation.

There are a number of exceptions to legal professional privilege, including waiver, statutory exclusions, and improper or illegal conduct.

- Parties should be particularly careful in relation to waiver of privilege as this can be implied where a party acts inconsistently with the maintenance of confidentiality. Mann v Carnell [1999] HCA 66 at [29] HCA 66 at [29].*
- An example of where privilege was excluded in such circumstances is found in Aucare Dairy Pty Ltd v Huang [2017] FCA 746. The Federal Court found that, as there was a strong case that the respondents had engaged in fraudulent conduct, communications with their lawyers in the course of that conduct were not privileged. The applicants did not contend that the respondent's solicitors had knowledge of or participated in the fraud and did not need to do so to succeed in their application.*
- The Tribunal member completely skipped the seventh document listed in the summonses (Evidence of SP52948 Barrister's response to O'Brien Criminal & Civil Solicitors (who acted on Applicant's behalf) with answer if Applicant was a valid committee member, as approved at committee meeting on 7 May 2020).*
- The Tribunal member asked Mr. Pogorelsky if he had the eighth document(s) listed in the summonses (Evidence of Bitcoin payment in amount of \$5,052.03 for ransomware attack in February 2019 (including name of benefactor and proof of ransom payment, date the Police notified and the Event number, date mandatory data breach notification was completed with Australian Cybercrime Online Reporting Network (ACORN) - proof that strata files for period prior to February 2017 were lost and Lot 181 had no files to prove he was financial to vote and be a committee member). Tribunal's exact question was: "Do you have any documents relating to that?". Tribunal asked "Do you have any documents relating to that?" and Mr. Pogorelsky's response was "No, I do not know anything about it". The Applicant jumped in and said "He knows everything about it. Sorry, sorry, he knows about it". Mr. Pogorelsky stayed silent and the Tribunal member simply moved on to ninth document in the summonses.*

This is easily refuted by Applicant's email to Waratah Strata Management and committee members (including Mr. Stan Pogorelsky) on 9 June 2023 at 09:03 hours. The title of the email was "Fwd: SUMMARY Insurance risks and mismanagement of strata plan SP52948 with high concerns for safety, financial health (bankruptcy risk), and non-compliance with laws on 8Jun2023". The email contained these areas of concern:

"Five fraudulent insurance claims for alleged legal costs, with falsified statements to courts and insurance companies.

False statement about last Annual General Meeting (AGM) at Strata Hub nsw.gov.au with risks of penalties for outdated and wrong information.

Unauthorized major renovations and legally non-compliant Extraordinary General Meeting on 27 April 2023, with risks for work being done by unprofessional companies.

All committee meetings since 1 February 2017, when Waratah Strata Management took office, failed to comply with strata laws and regulations.

Negative trends in Admin Fund, with special emphasis on period since Waratah Strata Management took office on 1 February 2017.

Missing spare panel for entrance gate in basement of Block B, which already happened once in 2018 and Lot 158 forced its return to rightful owners. As of May 2023, the spare panel is missing again. The entrance gate repairs typically cost between \$3,500.00 and now \$5,000.00.

Information about insurance policy excesses are kept secret from owners by ex-strata manager BCS Strata Management and current strata manager Waratah Strata Management.

Highly dubious allegations of ransomware attack against Waratah Strata Management in 2019, with strong suspicion of fraud and money laundering.

Ongoing fire and OH&S problems. In spite of Ryde Council orders, such work is being for more than two years, and these problems have plagued SP52948 since 2012.

10-Year Capital Works Fund poorly planned, never approved by owners corporation at any general meeting, with shortage of funds in amount of \$1,515,541.00 as per committee meeting on 23 September 2021.

*Ongoing physical threats, racism, discrimination.
Inequitable privileges for selective owners.*

Smoking continues to be a major issue, not only increasing risks of fire, but also causing health risks and nuisance. Waratah Strata Management and committee members refuse to take decisive measures.

Secrecy about Lot 1 legal case.

Serious pool and spa repairs due to long-term lack of proper maintenance.”

Mr. Pogorelsky read the email on the same day at 09:12 hours but never replied.

Mr. Pogorelsky was recipient of Waratah Strata Management letter that was allegedly sent to all owners on 12 March 2019 - Applicant's Attachment 26.

Waratah Strata Management email to NSW Fair Trading on 17 May 2019, where committee members and Mr. Pogorelsky were recipients as well – Applicant's Attachment 27, urging them not to investigate whilst also providing false statements and ransomware attack.

Mr. Pogorelsky directly refuted the statement at this Directions Hearing through his own witness statement in Attachment 10 on page 485 which was submitted to NCAT on 18 March 2025 although he signed it with date of 20 March 2025 (agenda for Annual General Meeting on 27 October 2022), where Mr. Pogorelsky personally voted against Applicant's Motion on ransomware. To further mislead the Tribunal, Mr. Pogorelsky did not submit minutes of AGM 2022 in his witness statement.

The Tribunal member asked Mr. Pogorelsky if he had the ninth document listed in the summonses (Current contract with Uniqueco Property Services – check if Lot 181 signed it while unfinancial to vote and be a committee member). Mr. Pogorelsky answered “I do not personally but the strata does”. The Tribunal member then stated that Mr. Pogorelsky was personally being summoned.

The Tribunal member concluded that Mr. Pogorelsky could only provide the fifth document(s) listed in the summonses (Levy invoices for Mr. Stan Pogorelsky (Lot 181) in period from 1 February 2017 to the date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing - proof Lot 181 was financial to vote and be a committee member), which were still not delivered to NCAT or the Applicant.

The Tribunal member confirmed again that the Applicant could get the files which Mr. Pogorelsky personally hold: his own levy statements and invoices.

The Applicant asked “Where did he produce them?” and the Tribunal member stated that they were the documents produced to NCAT which the Applicant had received.

The Applicant submitted statement that on 21 March 2025, when he personally visited the NCAT office and spent more than an hour looking at all submissions, none of the documents related to those in summonses (invoices for his levies since 2017). The Tribunal then sided with Mr. Pogorelsky and stated that he did not

have copies of those invoices in spite of them being personal documents. She defended Mr. Pogorelsky by saying "It is up to him. He might get a levy, pay it ... and then throw that document away. That is up to him. Not up to me, not up to you (the Applicant)".

The Applicant summarised "In other words we can conclude that no documents will be produced for the Tribunal, or myself, or for the owners corporations".

The Tribunal member then stated that the Applicant allegedly had to summons the strata committee (rejecting the Applicant's comment that Mr. Pogorelsky was a current member of the committee) and suggested to seek legal advice.

The Tribunal member asked if the Applicant understood the problems with his summonses, where the Applicant replied that he had problems with her statements because he went through three rejections of summonses, until the final version was approved.

The Tribunal member concluded "So, in terms of the documents that are held at the moment by the individual that you have summoned, I am satisfied that the only documents that are held have been produced under the summons".

She then asked Mr. Pogorelsky "You do not hold any further documents in relation to the summons Personally you do not hold..." where he replied "No, I don't".

Tribunal member followed with "So, given that there is no further document to serve, there is no point in extending the time to return those documents".

In conclusion the Applicant asked "Your Honor, can you put in your outcome of this meeting, third Directions Hearing, which was unnecessary, that the statement, that Mr. Pogorelsky claims he has none of the documents that were listed", where she replied that she gave "some oral reasons". Applicant then asked again "Can you put it in writing? It would be good to have a record of that... that he claims that he has no documents as listed".

Tribunal member asked "Mr. Pogorelsky, unless you agree that you want a notation that you don't personally hold any of the documents, any further documents that have been summoned, that you agree to that going on order, than I can make that notation. If you don't agree to that I am not going to make a notation".

Mr Pogorelsky replied "No, I don't agree to it" and the Tribunal member complied, preventing all owners in the complex from having this information.

The Applicant finally asked the Tribunal member "Do you know that owners corporation did not get any information about these Directions Hearings and non-compliance and today's meetings?"

44) There were nine motions for meeting on 6 January 2025 and Waratah Strata Management, as of 18 September 2025 failed to comply with Motions 3, 4, 5, and 6:

- Motion 1 That the minutes of the last meeting of the strata committee held on 2 April 2024 be confirmed.
- Motion 2 That the office bearers positions for chairperson, treasurer & secretary will be nominated and elected.
- Motion 3 That the strata committee resolves to authorise the strata manager to comply with the owners corporation obligations under Part 7 Division 2 of the Strata Schemes Management Regulation 2016 by inputting the mandatory information into the NSW Strata Hub, this year and on an ongoing basis and to charge in accordance with the terms of its agency agreement including charging the disbursements of \$3 per lot specified under the relevant regulation, or such amount as it is determined from time to time.
- Motion 4 That the strata committee resolves to appoint one of the below as the NSW Strata Hub emergency contact in accordance with Part 7 Division 2 of the Strata Schemes Management Regulation 2016 and for their details to be inputted into the NSW Strata Hub.

Motion 4 Alternatives for Appointment of Emergency Contact (Option A) The Strata Managing Agent (Option B) The Chairperson (Option C) The Secretary.

- Motion 5 That the Chairperson's contact information be recorded on the NSW Strata Hub.
- Motion 6 That the secretary's contact information be recorded on the NSW Strata Hub.
- Motion 7 That the strata committee adopts the following alternate means of voting for meeting of the strata committee:
 1. Voting by means of teleconference while participating in a meeting from a remote location;
 2. Voting by means of video-conferencing while participating in a meeting from a remote location;
 3. Voting by means of email participating in a meeting from a remote location;
 4. Voting by means of other electronic means participating in a meeting from a remote location;
 5. Voting by means of email before the meeting; or
 6. Voting by means of other electronic means before the meeting.
- Motion 8 That the strata committee review the Notice of Directions Hearing and NCAT Tribunal Application, case number 2024/00454780.
- Motion 9 The owners corporation/ strata committee resolves to:
 1. Engage Bannermans, Lawyers in accordance with its fee proposal dated 23 December 2024 to undertake the activities referred to defend NCAT proceedings against Applicant; and
 2. That the strata committee service as point of contact to provide the owners corporation's instructions to Bannermans Lawyers or if leave is not granted for Bannermans to legally represent, for the committee to appear with the support of Bannermans.

45) Bannermans Lawyers were fully aware of Applicant's warnings the Respondents did not share with owners information that legal expenses grew in amount of \$52,510.71 without valid general or committee meetings.



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Income & Expenditure Report for the financial year-to-date 01/09/2025 to 18/09/2025

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Administrative Fund		
	Current period	Previous year
	01/09/2025-18/09/2025	01/09/2024-31/08/2025
Revenue		
142500 Interest on Arrears--Admin	50.20	1,131.30
142800 Key Deposits	0.00	467.00
143000 Levies Due--Admin	0.00	1,220,000.00
146500 Status Certificate Fees	218.00	981.00
147000 Strata Roll Inspection Fees	0.00	302.55
<i>Total revenue</i>	<u>268.20</u>	<u>1,222,881.85</u>
Less expenses		
150200 Admin--Accounting	0.00	800.00
153800 Admin--Agent Disbursements	1,340.75	15,322.80
150800 Admin--Auditors--Audit Services	0.00	1,500.00
153000 Admin--Key Deposit Refunds	0.00	(244.00)
153200 Admin--Legal & Debt Collection Fees	1,504.20	52,510.71

45.1) Applicant forced the Respondent to publish the latest legal expenses (there was a possibility for them to be "moved" into next financial year). On 10 August 2025, Applicant warned the Respondents that owners were already suffering: above \$37,000.00 in legal fees for NCAT case this year (and that did not include unpaid Bannermans Lawyers attendance without valid legal representation at Hearing on 22 July 2025, which Mrs. Genelle Godbee (one of committee members) was trying to delay after the Hearing (Applicant personally overheard her talk with Ms. Pham about it and raising concerns about high legal expenses)). Hiding such payment was very dangerous in legal terms.

46) In accordance with Section 105 of the SSMA 2015, the cost and disclosure of legal expenses above \$15,000.00 should have been obtained at general meeting, which did not happen:

- At Extraordinary General Meeting on 1 May 2025 (legal costs were \$26,388.87 on the day).

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-1May2025.pdf>



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Income & Expenditure Report for the financial year-to-date 01/09/2024 to 01/05/2025

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Administrative Fund			
		Current period	Previous year
		01/09/2024-01/05/2025	01/09/2023-31/08/2024
Revenue			
141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears--Admin	669.12	2,056.69
142800	Key Deposits	387.00	122.00
143000	Levies Due--Admin	895,000.00	942,502.16
144000	Miscellaneous Income--Admin	0.00	120.00
146500	Status Certificate Fees	327.00	1,471.50
147000	Strata Roll Inspection Fees	186.00	214.18
<i>Total revenue</i>		<u>896,569.12</u>	<u>949,459.27</u>
Less expenses			
150200	Admin--Accounting	600.00	800.00
153800	Admin--Agent Disbursements	10,215.20	14,477.26
150800	Admin--Auditors--Audit Services	1,500.00	1,300.00
150900	Admin--Auditors--Taxation Services	0.00	475.00
152150	Admin--Honorarium	480.38	0.00
153000	Admin--Key Deposit Refunds	(244.00)	0.00
153200	Admin--Legal & Debt Collection Fees	26,388.87	4,561.93

- At adjourned Extraordinary General Meeting on 27 May 2025 (legal costs were \$35,908.38 on the day).

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-27May2025.pdf>



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Income & Expenditure Report for the financial year-to-date 01/09/2024 to 27/05/2025

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Administrative Fund		
	Current period 01/09/2024-27/05/2025	Previous year 01/09/2023-31/08/2024
Revenue		
141900 Gas - Additional Service	0.00	2,945.45
142400 Interest - Other	0.00	27.29
142500 Interest on Arrears--Admin	781.36	2,056.69
142800 Key Deposits	467.00	122.00
143000 Levies Due--Admin	895,000.00	942,502.16
144000 Miscellaneous Income--Admin	0.00	120.00
146500 Status Certificate Fees	327.00	1,471.50
147000 Strata Roll Inspection Fees	217.00	214.18
<i>Total revenue</i>	<u>896,792.36</u>	<u>949,459.27</u>
Less expenses		
150200 Admin--Accounting	600.00	800.00
153800 Admin--Agent Disbursements	11,492.10	14,477.26
150800 Admin--Auditors--Audit Services	1,500.00	1,300.00
150900 Admin--Auditors--Taxation Services	0.00	475.00
152150 Admin--Honorarium	480.38	0.00
153000 Admin--Key Deposit Refunds	(244.00)	0.00
153200 Admin--Legal & Debt Collection Fees	35,908.38	4,561.93

47) Waratah Strata Management, Bannermans Lawyers, and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2024 and failed to collect 10% simple interest per year for overdue levies. First pages of Income & Expenditure Reports for May, June, July, August 2024 and up to 16 September 2024 confirm unpaid gas heating levies – Applicant’s Attachment 57 dated 7 July 2025. Gas heating levies appeared for FY 2024 (financial year ending on 31 August 2024) for the first time on 17 September 2024, without 10% simple interest for overdue payments.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31May2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-30Jun2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Jul2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-31Aug2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-16Sep2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-17Sep2024.pdf>

48) Waratah Strata Management, Bannermans Lawyers, and committee members hid information that owners (including Mr. Stan Pogorelsky) did not pay gas heating levies in May 2025 and failed to collect 10% simple interest per year for overdue levies – first pages of Income & Expenditure Reports for May and June 2025 and up to 18 August 2025 confirm unpaid gas heating levies – Applicant’s Attachment 58 dated 7 July 2025.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31May2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-30Jun2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Jul2025-downloaded-on-1Aug2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Aug2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-31Aug2025-downloaded-3Sep2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2025-to-18Sep2025.pdf>

49) Mr. Pogorelsky continued to deceive the Tribunal and failed to refute evidence that he owed SP52948 at least \$13,091.39 in unpaid gas heating levies (including 10% interest per year) since 1999. Calculations were done as per Mr. Stan Pogorelsky's own secret spreadsheet and available financials in Applicant's Attachment 15 and 16:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Stan-Pogorelsky-efforts-to-avoid-paying-gas-heating-levies-Apr2025.pdf>

Mr. Pogorelsky made significantly different claims about his paid gas heating levies. In the first (secret) document, which he sent to then-Chairperson Mr. Bruce Copland and BCS Strata Management on 10 June 2015 and return of summonses on 17 March 2025:

Stan Pogorelsky			
Gas Charges paid by S & T Pogorelsky on unit 181 - SP52948			
From 1999 to 2018			
Date Paid	Period applicable	\$	
1999	1/9/99 to 31/8/2000		Moved in 1/11/98
2000	23/08/2000	100.00	
2001	1/08/2001	50.00	
2002	21/07/2002	55.00	\$50+\$5GST
2003	31/07/2003	55.00	
2004	1/11/2004	55.00	
2005	1/11/2005	55.00	
2006	1/11/2006	55.00	
2007	1/11/2007	55.00	
2008	1/11/2008	55.00	
2009	26/10/2009	55.00	
2010	24/10/2010	55.00	\$55 Credit on 1/2/11 and Debit \$55 on 2/5/11
2011	7/11/2011	55.00	
2012			Not billed by BCS
2013			Not billed by BCS
2014	1/08/2014	55.00	
2015	1/09/2015	311.66	See below
2016	3/11/2015	55.00	From our AGM in November 2014 new rate is \$50+\$5 per quarter and should be billed quarterly on BCS statement to unit holders
	1/02/2016	55.00	
	2/05/2016	55.00	
	1/08/2016	18.34	In summary I owe you \$110.00 for 2012 and 2013.
	20/09/2016	36.66	Overpaid
2017	1/05/2017	220.00	Billed by Waratah
			And \$18.33 x 2 = \$36.66 for Sept & Oct 2014
			As well you should have billed me for gas usage in
			Quarter 1/11/14 to 31/01/15 55.00
			Quarter 1/02/15 to 30/04/15 55.00
			Quarter 1/05/15 to 31/07/15 55.00
			Quarter 1/08/15 to 31/10/15 55.00
			220.00
			Less what you charged for 2014 55.00
			165.00
			Paid by me
			So I owe you \$110 +\$36.66+ \$165 = \$311.66 which will take me up to Quarter ended 31/10/15. Paid on 29/6/15
			Please invoice (email to me) me for these charges so that this matter can be put to rest.

(SSMA), and Interpretation Act 1987 (NSW); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)

- Lot 72 (major renovations approved at SP52948 Extraordinary General Meeting dated 17 August 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 79 (major renovations started without owners corporation meeting approval, including noise on 3 November 2024; major renovations approved at SP52948 Annual General Meeting dated 28 November 2024, as organised by Waratah Strata Management and directly orchestrated by Bannermans Lawyers, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services):

[SP52948-AGM-2024-Motion-23-Lot-79-major-renovations-full-details-28Nov2024](#)

[NCAT-2024-000454780-Bannermans-Lawyers-failed-to-provide-their-signed-Standard-Costs-Agreement-23Apr2025](#)

[NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure-public](#)

[NCAT-2024-00454780-Bannermans-Lawyers-failed-to-respond-about-their-illegal-representation-since-20Feb2025](#)

[SP52948-Lot-158-warning-to-Bannermans-Lawyers-about-NCAT-case-2024-00454780-20Feb2025](#)

- Lot 86 (major renovations approved at SP52948 Extraordinary General Meeting dated 22 February 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW), not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 87 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 103 (major renovations approved at SP52948 Extraordinary General Meeting dated 27 April 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW); not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 104 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 116 (major renovations approved at SP52948 Extraordinary General Meeting dated 22 February 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), and Interpretation Act 1987 (NSW), not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 139 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 140 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 143 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 149 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Lot 170 (not approved any any legally-convened general meeting and not registered in Consolidated By-Laws, withholding information from and misleading the Registrar General of the NSW Land Registry Services)
- Metal cage installation in basement of Block D, near fire hydrant

51) Waratah Strata Management and Bannermans Lawyers deliberately hamper NCAT investigations whilst profiteering through unnecessary delays of presenting evidence.

In addition, they deliberately prevent Applicant's access to strata files to help with these events:

- Police Events 174560202 and E65804633 for five fraudulent insurance claims and forgery of statements in Statutory Declaration to CTTT in case SCS 12/32675 on 19 April 2013, forgery of signature on Mueller's Standard Costs Agreement, Affidavit to District Court in February 2014, forgery of statements and invoices to NCAT and Supreme Court in case SC 20/33352 in 2022) as orchestrated by Solicitor Adrian Mueller.
- NSW Fair Trading complaint 11317277 (escalation to NSW Fair Trading Commissioner Natasha Mann).
- NSW Fair Trading case C2025/7500 - Matters Involving Waratah Strata Management Pty. Ltd.
- Office of Legal Services Commissioner's case CAS016659 for Solicitor Adrian Mueller misconduct and criminal actions.
- Case PSD2024_58792 with The Law Society of NSW for Solicitor Adrian Mueller misconduct and criminal actions, as referred by the Office of Legal Services Commissioner.
- Office of Legal Services Commissioner's case CAS022167 for Solicitor Ms. Jennifer Pham misconduct (even they could not force Ms. Pham to provide evidence of her legal engagement).
- Case PSD2025_61759 with The Law Society of NSW for Solicitor Ms. Jennifer Pham misconduct, as referred by the Office of Legal Services Commissioner (even they could not force Ms. Pham to provide evidence of her legal engagement).
- Dubious ransomware attack against Waratah Strata Management with secret Bitcoin payment in amount of \$5,052.03 and refusal by the Respondents to co-operate in CIRS-20190810-40.
- Australian Taxation Office case 2410206414046.
- Australian Competition & Consumer Commission case 345200.
- City of Ryde issued yet another warning about fire safety non-compliance on 31 March 2025.
- Significantly underinsured complex by \$23,522,500.00 for buildings in March 2025 with secret insurance commissions in amount of \$13,750.00.

Two fresh cases initiated with Office of Legal Services Commissioner and The Law Society of NSW for Solicitor Ms. Jennifer Pham misconduct in August 2025.