

Subject: REFUSED extension of time NCAT 2024/00454780-001 – Lot 158 v Strata Plan 52948

From: SP52948 Lot 158 owner

Date: 15/8/25, 19:00

To: Jennifer Pham Bannermans Lawyers

CC: Joseph Bannerman, Stan Pogorelsky

Genelle Godbee, Ramesh Kamini, Joe Spatola

Alex Tomasko Waratah Strata Management

Dear Bannermans Lawyers,

I just saw this email sent in rush by you today. Reasonable person would conclude that it appears you counted on the Applicant not seeing this email until next week (weekend has already started), when it would have been "too late" for them to respond. Not a very nice action by you, who claim to have high skills and reputation.

People in panic almost always make serious mistakes. And you are giving me "the deadline" of one working day (by 18 August 2025 at 10:00)!? Very generous, indeed!

Please do not insult the Applicant's character with the baseless and weak excuses whilst seeking extension of time. The Respondents are persistently exhibiting contempt of court and wasting Tribunal and my time, at high cost to owners without any benefits.

Had the Respondents acted with any decency and ethics, and informed all owners of this NCAT case in a proper manner, the Applicant would have considered an option to help them.

Three attachments, created or orchestrated by Mr. Pogorelsky whilst he was unfinancial (without full disclosure to owners and the Tribunal), best show our points:

- Mr. Pogorelsky's submission to CTTT in case SCS 11/00711.
- Mr. Pogorelsky's submission to CTTT in case SCS 12/05845.
- Mr. Pogorelsky's secret letter to all owners (not sent to the Applicant) on 20 July 2017, with horrendous lies with attempt to discredit the Applicant.

The Respondents do not selectively choose when to contact the Applicant and when to ignore them.

NCAT case is not a game and not something for the Respondents to play with. I am sure you are aware that another submission to OLSC about Ms. Pham's misconduct will happen next week. This email will be part of that submission.

1) Respondents' request for extension of time in accordance with the attached orders is refused for the following reasons:

- At AGM on 28 November 2024, directly orchestrated by committee members and strata managers, they rejected Applicant's request for access to strata files.
- Bannermans Lawyers attended the first Hearing on 15 January 2025 without evidence of legal representation.
- Bannermans Lawyers failed to comply with request at first Directions Hearing (did not deliver their files on or before 12 February 2025 in reply to the Applicant's objection to legal

representation and their points of defence).

- Bannermans Lawyers attended the second Hearing on 20 February 2025 without evidence of legal representation and relied on false defence of ratification of committee meeting dated 6 January 2025 at committee meeting on 6 February 2025.
- Bannermans Lawyers attended first Hearing on 22 April 2025 without evidence of legal representation and again relied on false defence of ratification of committee meeting dated 6 January 2025 at committee meeting on 6 February 2025.
- Bannermans Lawyers attended second Hearing on 22 July 2025 (fully unprepared, in spite of receiving Applicant's evidence dated 7 July 2025) without evidence of legal representation but this time relied on false defence of ratification of committee meeting dated 6 January 2025 at EGM on 27 May 2025.
- Mr. Stan Pogorelsky failed to comply with Tribunal issue of summonses on 7 March 2025.
- After Applicant's complaints, Mr. Pogorelsky submitted his LIMITED files in return of summonses on 17 March 2025, but deliberately failed to serve them on the Applicant, until Senior Member Vrabac helped to get them at Hearing on 22 July 2025.
- Waratah Strata Management failed to comply with the Tribunal orders issued on 22 April 2025.
- Waratah Strata Management failed to comply with the Tribunal orders issued on 22 July 2025.

2) Bannermans Lawyers directly failed to respond to the Applicant's emails seven times and those requests are still OUTSTANDING.

For the record, negative balance (deficit) in Admin Fund today is -\$61,872.64, with legal expenses in amount of \$52,510.71.

The absolutely worst negative balance (deficit) in Admin Fund in amount of -\$375,415.62 was reached on 30 April 2025.

3) Waratah Strata Management and committee members failed to inform the owners about the Tribunal orders made on 22 and 23 July 2025:

- They were not published on any of six notice boards in period from 22 July 2025 to 14 August 2025 (video and photo evidence was collected).
- They were not published on Waratah Strata Management secure website (screenshots were collected).
- They were not sent by post or emails to all owners and tenants.

4) The attached files are examples of Applicant's attempts to reason with Waratah Strata Management and committee members. They were all ignored.

5) Mr. Pogorelsky's return of summonses on 17 March 2025 and witness statement on 20 March 2025 have created an immense problem for the Respondents' defence. Basically, he provided lot of false statements (even under oath) and is NOT FINANCIAL. That will be "cleared up" at the next Hearing.

6) Waratah Strata Management must provide access to ALL strata files (especially BANK STATEMENTS and DETAILED REVENUE AND EXPENDITURE STATEMENTS). It is the Applicant's legal right and goes beyond the Tribunal orders.

There is also an outstanding issue of access to two very specific CCTV recordings, which strata

manager is fully aware of.

7) **Financial period from 1 September 2023 to 31 August 2024 - Income & Expenditure Reports for May, June, July, August 2024 and up to 16 September 2024 confirm unpaid gas heating levies, Mr. Pogorelsky failed to comply with Tribunal orders to provide evidence of payment.**

8) **Financial period from 1 September 2024 to 31 August 2025 - Income & Expenditure Reports for May, June, July 2025 and as of 15 August 2025 confirm unpaid gas heating levies, Mr. Pogorelsky failed to comply with Tribunal orders to provide evidence of payment.**

9) **Waratah Strata Management should have provided access to strata files on time.** They must actually be published for all owners on strata manager's secure website.

10) **I am very busy with work and cannot accommodate strata manager's "offer" to see just a few files in next five working days.**

You must provide the Applicant's response to the Tribunal unredacted and with attachments and strata manager must share it with all owners by end of business hours on 18 August 2025.

Regards,

On 15/8/25 12:18, Jennifer Pham wrote:

I refer to the above matter and the **attached** orders.

There was a delay on my part with arranging access to the books and records in accordance with the **attached** orders. As such, I request your consent to an extension of time until the end of the week next week to facilitate the inspection of the documents referred to in the **attached** orders.

Please provide a response to this request for an extension of time on or before **10.00am on Monday, 18 August 2025**. If I do not receive a response from you by then, I will write to the Tribunal and request an extension of time and note the absence of your consent.

Further, I am instructed that the following documents are available for **visual inspection only** at the offices of the strata managing agent:

1. Building Manager's Contract; and
2. Income and Expenditure Statements for the period 2017 – 2024.

The above documents can be inspected at the offices of Waratah Strata located at suite 17, First Floor, 10 E Parade (Eastwood Shopping Centre), Eastwood NSW 2122. Access can be provided between 11.30am and 4.30pm within the next 5 business days.

A period of **30 minutes** has been allocated for your review of the above documents.

Please advise **in advance of your intended attendance** so appropriate arrangements can be made.

Kind regards,

Jennifer Pham
Senior Associate



All Correspondence

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W www.bannermans.com.au

—SP52948-rejected-Lot-158-request-to-strata-files-AGM-28Nov2024.png—

Motion: Confirm unredacted evidence and issue orders to strata manager to provide outstanding strata documents to Lot 158 to further assist with currently running investigations by Police, Office of Legal Services Commissioner, and NSW Fair Trading

The Owners Corporation SP52948 by ORDINARY RESOLUTION approves the following:

1) As per NSW Fair Trading mediation case 994497, issue orders to strata manager to provide the following documents free of charge for overdue and already paid files:

<https://www.sp52948-news.info/SP52948-year-2024/SP52948-Lot-158-request-access-to-strata-documents-2Sep2024.pdf>

2) Evidence of past document searches and attempts by Waratah Strata Management to hamper investigations by Police, Office of Legal Services Commissioner, NCAT, NSW Fair Trading, and Supreme Court:

<https://www.sp52948-news.info/SP52948-Outcome-of-request-for-inspection-of-records-at-Waratah-Strata-Management-on-13Jun2017.html>

<https://www.sp52948-news.info/NCAT-case-20-33352-SP52948-SSMA2015-S182-Document-viewing-undisclosed-files-by-Waratah-Strata-Management-31May2019.pdf>

<https://www.sp52948-news.info/SP52948-SSMA2015-S182-Document-viewing-undisclosed-files-by-Waratah-Strata-Management-20Sep2019.pdf>

<https://www.sp52948-news.info/SP52948-Solicitor-Adrian-Mueller-confirming-many-strata-files-likely-not-available-including-files-listed-in-Statutory-Declaration-requested-by-Police-in-fraud-investigations-14Nov2019.webp>

<https://www.sp52948-news.info/SP52948-extract-from-letter-to-Lot-158-preventing-access-to-strata-files-and-not-allowing-owners-to-have-knowledge-of-investigations-27Jun2022.webp>

<https://www.sp52948-news.info/SP52948-Lot-158-outcome-of-access-to-strata-documents-public-13Feb2024.pdf>

Explanatory notes:

NCAT can make such orders and owners corporation will have unnecessary costs without having any grounds for successful defense.

—Attachments:—

SP52948-Waratah-Strata-Management-ignored-Lot-158-request-for-inspection-of-strata-document-22Apr2025.pdf	28.6 KB
SP52948-Waratah-Strata-Management-ignored-Lot-158-request-for-inspection-of-strata-documents-23Jul2025.pdf	40.6 KB
Waratah Strata Management-repeated-failures-to-comply-with-Tribunal-orders-on-22-and-23-July-2025.pdf	194 KB
SP52948-rejected-Lot-158-request-to-strata-files-AGM-28Nov2024.png	154 KB
CTTT-SCS-11-00711-EC-member-Stan-Pogorelsky-submission-20Feb2011.pdf	326 KB
CTTT-SCS-12-05845-EC-member-Stan-Pogorelsky-submission-10Mar2012.pdf	258 KB

