

**AGM or EGM 2017 (whichever comes first) Motion Submittal, Lot 158**

In accordance with the Strata Schemes Management Act 2015, Schedule 1, Part 2, Section 4, owner of Lot 158 submits the following Motions for the AGM or EGM 2017 to the Secretary of the Executive Committee.

Disclosure: Owner of Lot 158 has no affiliation or personal benefit from any business that operates in the complex, has never received preferential treatment from current and previous Strata Managing Agents or employed staff in SP52948, and has never received financial or any other favors.

1. All Motions should be included in the agenda for the AGM 2017 or EGM 2017, or whatever general meeting follows in 2017, as provided herewith.

In accordance with the SSMA 2015, any change of the text of the Motions must be reported to the person proposing them (in writing, in advance).

The notes are designed to help owners reach informed decisions and avoid any misunderstandings.

2. In four previous years, BCS and EC members ILLEGALLY disallowed the crucial Motions and even engaged in their modifications to misquote and misconstrue them.

3. The Strata Schemes Management Act 2015, Section 19 defines the person chairing the meeting MAY rule a motion is out of order if:

**19 Chairperson may rule certain motions out of order**

The chairperson at a meeting may rule a motion out of order if:

- (a) the chairperson considers that the motion, if carried, would conflict with this Act or the by-laws of the strata scheme or would otherwise be unlawful or unenforceable, or
- (b) any requirement of this Act to include the form of the motion in the notice of the meeting has not been complied with.

The person chairing the meeting, when ruling a motion out of order must give reasons for the ruling; and state how the ruling may be reversed by the persons present and entitled to vote.

The persons present at the general meeting, who are entitled to vote, may by GENERAL RESOLUTION (a one lot/one vote format) disagree with the Chairperson and/or the Executive Committee and reverse the ruling. The reasons given by the Chairperson and/or Executive Committee must be recorded in the minutes of the meeting.

In spite of warning about number of EC members being unfinancial due to unpaid full levies for gas heating since 1999 and other owners in various periods, Waratah Strata Management and EC members declined to organize Extraordinary General Meeting

<http://www.nswstratasleuth.id.au/SP52948-OFFICIAL-REQUEST-convene-Extraordinary-General-Meeting-in-July-2017-not-even-responded-by-Waratah-Strata-Management-and-EC-members.html>

<http://www.nswstratasleuth.id.au/SUMMARY-SP52948-EC-failed-to-organise-Extraordinary-General-Meeting-and-other-issues-on-1Aug2017.html>

<http://www.nswstratasleuth.id.au/SP52948-AGM2012-quorum-calculation-created-on-25Nov2012-updated-1Jul2017.pdf>

<http://www.nswstratasleuth.id.au/SP52948-AGM-23Oct2013-quorum-calculation.pdf>

<http://www.nswstratasleuth.id.au/SP52948-EGM-4Dec2013-quorum-calculation.pdf>

<http://www.nswstratasleuth.id.au/SP52948-AGM-26Nov2014-quorum-calculation.pdf>

**Motion: Financial Losses to Lot 158 due to actions by BCS Strata Management and EC members**

**The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:**

**Partial listing of direct losses to Lot 158 due to reported mismanagement of SP52948 with evidence, and undisclosed benefits to selective owners and EC members without Special By-Laws and Special Resolutions:**

- **\$26,500.00 for payments to SP52948 for dismissed CTTT cases and decision in District Court in 2014, plus costs for postage and handling, and strata document searches without being provided access to files, amounting to additional around \$2,700.00:**

**Lot 158 payment to SP52948 in amount of \$10,000.00 on 13<sup>th</sup> of February 2014.**

**Lot 158 payment to SP52948 in amount of \$16,500.00 on 7<sup>th</sup> of March 2014.**

- **\$2,737.90 for payments to Chambers Russell Lawyers for forced defense at District Court.**
- **218<sup>th</sup> part of loss in SP52948 funds in amount of \$72,650.99 (complex has 218 properties) due to secret gas and water reimbursements without owners corporation approval (no Special By-Law and Special Resolution) in period 1999 to 2013 (details for financial years 1999, 2000, 2001, 2002, 2005, and 2006 are undisclosed by BCS Strata Management, Waratah Strata Management, and Executive Committee).**
- **218<sup>th</sup> part of \$851.56 for secret courier expenses that were incurred by SP52948 for urgent document delivery to Solicitor Mr. Adrian Mueller on 19<sup>th</sup> of April 2013.**
- **218<sup>th</sup> part of loss in SP52948 funds in amount \$17,990.00 due to overpaid contract for BCS Strata Management in 2012, 2013, 2014, 2015, and 2016, as per secret negotiation between single EC member and BCS Strata Management NSW Manager Mr. Greg Freeman dated 24<sup>th</sup> of October 2011. Loss per year to owners and myself: "loyalty discount" was supposed to decrease contract value from \$33,498.00 to \$29,900.00. BCS Strata Management "won" contracts without tender in all years between 1999 and 2016.**
- **218<sup>th</sup> part of loss in SP52948 funds in amount of \$63,318.77 (GST included) for payments to Solicitor Mr. Adrian Mueller for CTTT events and four reviews of Lot 158 Motions at general meetings without full disclosure to owners corporation.**
- **218<sup>th</sup> part of loss in SP52948 funds in amount of \$8,800.00 for repayment to CHU Insurance in March 2017, who, four years after the event, declared that owners corporation did not have right to make such claim.**
- **218<sup>th</sup> part of loss in SP52948 funds: Based on all available documents and minutes of meetings, so far the conclusion that can be reached with reasonable level of confidence is that the four EC members alone (Mrs. Lorna Zelenzuk Lot 3, Mr. Upali Aranwela Lot 62, Mr. Moses Levitt Lot 147, and Mr. Stan Pogorelsky Lot 181) owe to owners corporation around \$10,000.00 (plus 10% interest applied in each year) in UNPAID GAS LEVIES for the period of at least 15 years. It also means they were UNFINANCIAL and could not make any decisions at general meetings. The evidence shows that gas levies were set to \$200.00 as early as 21<sup>st</sup> of July 1999 but never paid by EC members and owners with second gas connection until 2015.**
- **218<sup>th</sup> part of loss in SP52948 funds in amount of around \$14,000.00 for overpaid payments to Building Manager Universal Property Services for decreased security guard working hours during whole 2014, which BCS Strata Management and EC members ignored in spite of advance notice on 1<sup>st</sup> of December 2013 and was orally reported at AGM 2014 but not disclosed to owners in Minutes of the meeting.**

## **Motion: Undisclosed Contact Details for Waratah Strata Management**

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- In Motion 28.1 at AGM 2016 on 19<sup>th</sup> of October 2016, owners corporation approved appointment of Waratah Strata Management at base value of \$21,800.00 + disbursements \$13,300.00 inclusive of GST,
- EC members Mr. Stan Pogorelsky and Mr. Moses Levitt signed the Contract with Waratah Strata Management on 14<sup>th</sup> of December 2016, changing the base value to \$23,110.00 + fixed disbursements \$11,990.00 inclusive of GST without owners corporation approval or knowledge,
- EC members Mr. Stan Pogorelsky and Mr. Moses Levitt signed the Contract with Waratah Strata Management on 14<sup>th</sup> of December 2016, whilst undeclared to owners corporation that they were unfinancial due to unpaid full levies for their second gas connection at all general meetings since 1999 (levy set to \$200.00 at EC meetings on 21<sup>st</sup> of July 1999 and 17<sup>th</sup> of November 1999),
- Default yearly increase of contract with Waratah Strata Management is 5% (more than three times the official CPI), or as agreed at each AGM,
- Waratah Strata Management reserves the right to earn all rebates, discounts and commissions in Disclosure Schedule from the following providers:

CHU Underwriting Agencies Pty Ltd	20% of base premium
Strata Unit Underwriters Pty Ltd	20% of base premium
Strata Community Insurance	20% of base premium
Finn Foster & Associates	15% of base premium or as agreed
Whitbread Insurance Brokers	20% of base premium
Driessen Insurance Brokers	15% of base premium
Austbrokers Sydney	20% of base premium
CRM Insurance Brokers	50% of all commissions
Honan Insurance Brokers	20% of base premium
BCB Insurance Brokers	75% of policy commission
- Section 7 of the contract with Waratah Strata Management provides avenue for strata agency to transfer the agreement to another agency or related persons upon approval by owners corporation which must provide a response to Waratah Strata Management within 28 days after receiving such notice from the agent, and owners corporation must notify new agent of its decision within 28 days after receiving a request from new agent to enter into a new agency agreement.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Undisclosed conflict of interest by EC members at AGMs for gas heating levies**

**The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:**

- **Number of current and previous EC members failed to disclose conflict of interest in regards to their relation with BCS Strata Management and/or Waratah Strata Management and unpaid full levies for gas heating, or for having gas heating connection:**

**Mrs. Lorna Zelenzuk, Lot 3 (Ex-Chairperson and current Secretary)**

**Mr. Upali Aranwela, Lot 62 (Ex-Treasurer)**

**Mr. Stephen Luxmoore, Lot 144**

**Mr. Moses Levitt, Lot 147**

**Mr. Ron Craig, Lot 163 (deceased)**

**Mr. Stan Pogorelsky, Lot 181 (current Chairperson)**

**Mrs. Marianna Paltikian, Lot 88**

- **At EGM 2013 on 4<sup>th</sup> of December 2013, 13 EC members (of which current members Mr. Stan Pogorelsky, Mr. Moses Levitt, and Mrs. Lorna Zelenzuk failed to declare and pay full levies for second gas connection in their lots since 1999, making them unfinancial to vote and be counted for quorum at general meetings), protected BCS Strata Management from any liabilities and penalties, ignoring substantial evidence against BCS, without offering any documents to counter claims of mismanagement, and disallowing access to strata documents as legislated by SSMA 1996 S108.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Undisclosed tender for Building Manager's contract in 2014 and 2016**

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,
- BCS Strata Management and EC members increased Building Manager's contract value by around 16% in comparison to previous year without tender at AGM 2014,
- BCS Strata Management and EC members increased Building Manager's contract value by additional 1% without tender at AGM 2016, without evidence of SSMA 1996 compliant EC meeting that had made such decision before the general meeting, and without disclosing to owners corporation that the following EC members did not have rights to vote at the general meeting due to unpaid full levies for gas heating since 1999:

Mrs. Lorna Zelenzuk, Lot 3 (Ex-Chairperson and current Secretary)

Mr. Stephen Luxmoore, Lot 144

Mr. Moses Levitt, Lot 147

Mr. Stan Pogorelsky, Lot 181 (current Chairperson)

- EC members and BCS Strata Management speculated about CPI in June 2016 and made decision about 2% rise of the Building Manager's contract at alleged EC meeting on 26<sup>th</sup> of March 2016, three months before it was announced by Australian Bureau of Statistics, and were prevented by Lot 158 to implement such increase without due diligence,
- EC members and BCS Strata Management failed to review service delivery by the current Building Manager in professional manner,
- EC members Mr. Moses Levitt and Mr. Stan Pogorelsky signed contract with Uniqueco Pty Ltd on 5<sup>th</sup> of December 2014 whilst unfinancial to represent owners corporation at AGMs since 1999 due to unpaid full levies for gas heating,
- EC members and BCS Strata Management failed to notify owners corporation that additional tenders for the Building Manager's and Strata Management contracts were requested on 7<sup>th</sup> of April 2016.
- BCS Strata Management and EC members failed to provide any evidence of competitive tenders for renewal of Building Manager's contract in 2014 and 2016,
- BCS Strata Management and EC members acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014, 2015 and 2016.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Retrospective payments into common funds as per Special By-Law 12 “Control of common gas supply”**

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- BCS Strata Management and EC members failed to provide evidence of compliance with Special By-Law 12 “Control of common gas supply” in regards to properly applied retrospective charges to ALL owners who failed to declare second gas supply connections,
- In period from 21<sup>st</sup> of July 1999 (EC meeting) till 6<sup>th</sup> of May 2013 when the Special By-Law 12 was registered, the levies were struck at \$200.00 per year (plus GST since 2000),
- In period since 6<sup>th</sup> of May 2013, the applicable gas levies were \$50.00 per year, set up by BCS Strata Management and EC members with direct intention to defraud owners corporation of its rightful income since 1999 and without consultation with owners corporation,
- At EC meeting held on 16<sup>th</sup> of March 2017, the gas levies were increased to \$220.00 per year.
- EC members with second gas connection who failed to disclose for how many years they did not pay the levies in accordance with EC decisions in 1999:

Mrs. Lorna Zelenzuk, Lot 3  
Mr. Upali Aranwela, Lot 62 (ex-EC member)  
Mr. Stephen Luxmoore, Lot 144  
Mr. Moses Levitt, Lot 147  
Mr. Stan Pogorelsky, Lot 181

- Townhouses that have second gas connections but were receiving reimbursements for private gas usage for many years:

Lots 194, 199, 206, and 209.

- EC meeting 17 May 1998: Application by owner of townhouse 213 and the EC approval that all future gas costs were to be met by the owner, so this owners should have never received reimbursements for personal gas usage that they claimed for 19 years.
- Current EC members Mrs. Lorna Zelenzuk (Secretary of the EC), Mr. Moses Levitt, and Mr. Stan Pogorelsky (Chairperson of the EC) failed to declare the special conflict of interest in this issue.

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

- Addendum to notice for AGM 2016 contained unexplained accounting details for gas charges that differ in their amounts, did not provide details for period they applied, and confirmation if these owners were allowed to vote at previous general meetings,
- BCS Strata Management and EC members failed to provide evidence of those owners who did not pay for second gas connection but declared financial at general meetings,
- Waratah Strata Management, on behalf of owners corporation, shall invoice all owners (in buildings and townhouses) retrospectively, including EC members, including 10% yearly fee for late payment, through one of the three applicable options:

From date of provided evidence of approval for the installation of the gas heating connection, or  
From date of provided evidence of installation of gas heating connection by certified plumber, or  
For period of last seven years if two above options do not apply.

- Lot 158 has electronic evidence of strata audited accounts for 12 years and EC members can easily verify and produce details for all other years.
- The invoices shall be sent within four weeks after the general meeting.

**Motion: Confirm undisclosed insurance claims for Lot 3 in 2012/2013 with evidence of illegal activities**

**The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management, with full knowledge and support by EC members, made four insurance claims in amount of \$24,919.31 for alleged "defense" of Lot 3 at CTTT in 2012/2013:**

<b>First claim on 31<sup>st</sup> of August 2012</b>	<b>\$367.64</b>
<b>Second claim on 7<sup>th</sup> of December 2012</b>	<b>\$12,714.65</b>
<b>Third claim on 26<sup>th</sup> of April 2013</b>	<b>\$1,320.00</b>
<b>Fourth claim on 4<sup>th</sup> of June 2013</b>	<b>\$10,517.02</b>

- **BCS Strata Management and EC members failed to disclose the insurance claims in any financial statements to owners corporation,**
- **The insurance policy was changed one month before the secret first claim was made, in spite of insurance broker's warnings about high risks,**
- **Owner of Lot 3 was ex-Chairperson of the Executive Committee and current member,**
- **Solicitor Mr. Adrian Mueller, who recommended the insurance claims in 2012, reviewed this Motion on, or around 5<sup>th</sup> of September 2016,**
- **The legal case for defense of Lot 3 did not exist.**
- **At EC meeting held on 16<sup>th</sup> of March 2017, current EC member Mrs. Lorna Zelenzuk (Secretary of the EC) failed to declare the special interest in issue of insurance reimbursement claim by CHU Insurance at meeting held on 16 March 2017.**

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

- **BCS Strata Management secretly changed insurance policy for the complex on 1<sup>st</sup> of August 2012, without owners corporation approval at any meeting. They started making claims for legal fees for non-existent CTTT case "defending Lot 3", engaging Solicitor Mr. Adrian Mueller (without valid owners corporation decision).**
- **BCS Strata Management secretly transferred \$50,000.00 into strata funds from MBL account due to lack of money to pay any bills for SP52948 on 4<sup>th</sup> of July 2012.**
- **Secret EC meeting (CTTT confirmed it was not compliant with strata laws in 2013) was held in Lot 181 (Mr. Stan Pogorelsky who was unfinancial to represent SP52948 as EC member) without notifying owners corporation on 9<sup>th</sup> of July 2012. Two other EC members were unfinancial due to undeclared personal benefits from common funds – one of them being current EC member Mr. Moses Levitt.**
- **BCS Strata Management, without approval of the EC or owners corporation at any meeting, changed insurance policy for SP52948 on 1<sup>st</sup> of August 2012.**
- **Undisclosed to owners, CTTT, and District Court in 2012, 2013, and 2014. BCS Strata Management signed insurance claim form and provided files on 28<sup>th</sup> of August 2012.**
- **First of four insurance claims for non-existent "CTTT Defence of Lot 3" by BCS Strata Management on behalf of Strata Plan 52948 was sent on 31<sup>st</sup> of August 2012, less than a month after secret change of the insurance policy.**
- **Solicitor Mr. Adrian Mueller admitted to CTTT that Lot 3 is not part of the proceedings on 26<sup>th</sup> of October 2012.**
- **BCS Strata Management issues second insurance claim for non-existent "CTTT Defence of Lot 3" in amount of \$12,714.65 on 7<sup>th</sup> of December 2012.**



- **Solicitor Mr. Adrian Mueller initiated CTTT case for alleged losses to SP52948 three days later on 10<sup>th</sup> of December 2012 without approval or knowledge of owners corporation.**
- **Three different Standard Costs Agreements with Solicitor Mr. Adrian Mueller were uncovered by Lot 158 by June 2017, of which two have strong evidence of being created through falsified documents with intention to obtain personal benefits and hinder investigations.**
- **McCulloch Lawyers, on behalf of CHU Insurance, requested owners corporation to repay \$8,800.00 for insurance claims that BCS Strata Management had made.**

**BCS Strata Management was aware of this at least since 19<sup>th</sup> of October 2016 and kept owners corporation uninformed until they left.**

**Waratah Strata Management, Mr. Robert Crosbie, was aware of this since 11<sup>th</sup> of January 2017.**

- **Waratah Strata Management and EC members failed to disclose full information about insurance claims to owners corporation.**
- **Mr. Stan Pogorelsky, fully supported by EC members, tried to bully and prevent Lot 158 from passing evidence to CHU Insurance on 3<sup>rd</sup> of April 2017.**

Explanatory Notes:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Secretly-Engaging-Solicitor-Illegally-and-Making-Fraudulent-Insurance-Claims-2012-2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-Undisclosed-Details-of-CHU-Insurance-Reimbursements-Waratah-Strata-Management-Contract-details-and-Defamation-of-Lot-158-through-false-statements-at-EC-meeting-16Mar2017.pdf>

**Motion: Create meeting room and common area for gatherings**

**The Owners Corporation SP52948 by ORDINARY RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, approve the following:**

- **Top floors of the buildings have free areas currently occupied by rubbish and some spare parts that was reported as health hazard in Napier & Blakeley's report in 2012,**
- **Building Manager Mr. Steve Carbone refused to clean since 2014, and again since March 2017 during visit by Waratah Strata Management Director Mr. Robert Crosbie and Lot 158,**
- **Evaluate costs and feasibility of converting top floor area in one of the four buildings into meeting room with seating for up to 40 people,**
- **The report on the costs (minimum three quotes) and any licensing requirements to be provided to owners corporation no later than two months after the general meeting.**

**Explanatory Notes:**

SP52948 has more than 26,000 square meters of land, and yet, owners have no secluded space for gatherings and meetings. Each year, owners pay from common funds for having meetings at remote locations, sometimes 20-30 minutes away from the complex.

Common area would allow owners to openly share information in a friendly manner, without leaving the complex and ensure that more owners take active interest in management of the strata plan.

**Motion: Illegal usage of city council land for parking**

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,
- Without approval at any EC or general meeting, Building Manager Uniqueco Pty Ltd opened gates towards M2 city council land and allowed parking for two years,
- BCS Strata Management, EC members, and Building Manager ignored request for proof of decision to use council land,
- Because of this Motion at AGM 2016, and Lot 158 report to Ryde Council, Building Manager Mr. Steve Carbone quietly closed the gate towards council land,
- Capacity of parking in SP52948 as collected in undisclosed report by unfinancial EC member Mr. Moses Levitt to Waratah Strata Management in 2017:

Garage bays in the basement of four buildings:	260
Townhouse garage bays:	26
Townhouse pergola bays:	26
Unit garages used as storage (against the by-laws):	13
Townhouse garages converted:	21
Common property parking bays:	38
Visitors parking bays:	12

Many other locations throughout Sydney are much worse.

- Every owner, when they purchase the property is fully aware of the allocation of their car park allocations.
- Because there is only one gate (wide enough for a single car only) it means of ingress and egress and means of movement provided or to be provided within this "car park" are certainly not satisfactory without additional costs (our complex has some huge projects PENDING to resolve leakage problems, elevator upgrades).
- Lot 158 asked if Building Manager (and his security officers in night shift) would want to be liable for any claims of damage. They declined. In means owners corporation would have to pay for additional risks and premiums.
- This gate is currently not monitored or managed at any time. There are no security cameras, and the "backdoor" increases risk of intruder attacks. There is only one more slot for additional camera in the current monitoring system and upgrade of the ageing system would have to come at owners' expense.
- The lighting in the evening is insufficient and would also require additional pole and installation costs.
- Due to high costs of belated maintenance issues, our funds will be severely depleted in the next two years and owners do not want special levies.
- Since there is already plenty of free space to park cars along the Fontenoy Road, there is no valid reason for any person to abuse public property.
- Internal design of parking facilities and system of traffic management are satisfactory within the complex. Owners bought their properties with clear understanding how many car spaces they get in their own garages.
- The strip of land for proposed "car park" does not have adequate provision for the management of storm water and the minimization of stormwater pollution.
- It is not defined who and how would manage the maximum number of cars to be accommodated in this public space.
- The complex has more than 26,000 square meters of land and there are other possibilities to add extra car spaces if deemed so necessary.

- **Parking cars in public land in the strip between M2 and the complex diminishes privacy of owners in the buildings because they would be exposed to additional unrestricted viewing and night noise. None of the owners would like it.**
- **There is nothing to stop any other driver to drive through the complex and use this public land without even being owners or tenants in this location.**
- **If gate is reopened, owners corporation shall not be liable for any accidental or deliberate damage to property caused by vehicle movement on council land.**
- **Building Manager shall be responsible for any issues arising from usage of council land.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Discount for early levy payments**

**The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, approve the following changes to the Special By-Laws:**

- **To avoid litigation and additional expenses, owners may pay 10% less of a contribution levied if they pay the contribution before the date on which it becomes due and payable, as prescribed in SSMA 2015 Section 85,**
- **Strata Management agencies and EC members have been reporting huge amounts of reserves in common funds at every meeting since year 2002, and assured owners that there is sufficient money for all expected and unexpected expenses in foreseeable future without special levies (based on their versions of long-term planning).**
- **Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within one month from the date the change of the By-Laws is approved by owners corporation,**
- **To the extent of any inconsistency with previous by-laws, this by-law prevails.**

**Explanatory Notes:**

To avoid litigation and unnecessary expenses to owners, and decrease overdue levies (normally hovering between \$25,000.00 and \$30,000.00 at any given time), introduce Special By-Law that complies with SSMA 2015 Section 85.

**Motion: Ignored request for EGM by Waratah Strata Management and EC members in June 2017**

**The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:**

- **On 25<sup>th</sup> of June 2017 Lot 158 submitted a request for Extraordinary General Meeting (EGM) to EC members and Waratah Strata Management. Secretary of the EC, Mrs. Lorna Zelenzuk, had legal obligation to respond, which she did not comply with. The reasons for the meeting were strong and involve the fact that SP52948 had number of EC members with lack of duty of care over years, were unfinancial, and non-compliant AGM 2016, including deliberately removed Motions to recover lost revenues in common funds.**
- **More than half of all owners in the complex were approached by Lot 158 if they had ANY concern or objections to the EGM, including members of the EC during June 2017. None of them sent any complaints or objections.**
- **Lot 158 uncovered a document that, with full confidence, confirmed that engagement of Solicitor Mr. Adrian Mueller in 2012/2013 was based on signed contract that does not stand any grounds and was started through illegal EC meeting held in Unit 181 (Mr. Stan Pogorelsky) on 9<sup>th</sup> of July 2012 when he was unfinancial member of the committee). Only one item CTTT took as "evidence" of validity of Solicitor's engagement: allegedly signed contract on 25<sup>th</sup> of July 2012. Lot 158 got in his possession BCS Strata Management document disputing their own Statutory Declaration at CTTT (as approved and supported by EC members). EC members and Waratah Strata Management did not respond to deny or question the allegations.**
- **Through years, Lot 158 was warning EC members and BCS Strata Management (and now Waratah Strata Management), to watch out what they write without evidence. One of such warnings is from dated 10<sup>th</sup> of March 2012.**
- **Instead of actions, Waratah Strata Management and EC members continued to bully Lot 158 and his wife without any evidence, spread rumours, engage in multiple actions of defamation without cause, and expose Lot 158 to ridicule and prosecution.**

**Motion: Repeal Special By-Law 12 “Control of common gas supply”**

**The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, approve the following changes to the Special By-Laws:**

- **Repeal Special By-Law 12 “Control of common gas supply” as it fails to satisfy Strata Schemes Management Act 2015, Section 139 “Restrictions on by-laws”.**
- **The Special By-Law 12 was not applied in equitable manner since its registration,**
- **The Special By-Law did not take into account townhouse owners with second gas connections of whom some claimed reimbursements in spite of decisions at EC meetings in 1999,**
- **Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within one month from the date the change of the By-Laws is approved by owners corporation,**
- **To the extent of any inconsistency with previous by-laws, this by-law prevails.**

**Motion: Uniqueco Pty Ltd failure to comply with Section 6.4 of the contract with SP52948**

**The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:**

- **Director of Uniqueco Pty Ltd failed to comply with Sections 6.4 of the contract with SP52948, which requires proper conduct of its officers, employees, and agents whilst engaged to provide services on the premises:**

**Long-term stalking and bullying wife of owner of Lot 158, in spite of repeated warnings and even an SMS message.**

- **EC members failed to comply with Section 6.3 of Uniqueco's contract with SP52948, failed to conduct a review of complaint against stalking and bullying of wife of Lot 158 owner, ignored multiple reports of bullying, thus causing serious health issues to her, stress, and fear.**
- **In late August 2017, a Police event was opened against Mr. Steve Carbone and one of his staff with multiple video evidence, including alleged cleaning in lift and on level 2 in Block A that started before 06:00 am one day (never seen in 20 years of the complex before).**
- **The Police case includes evidence of unsolicited and unwelcome WhatsUp message on one weekend from Mr. Steve Carbone, who was never invited, or part of WhatsUp sessions with Lot 158.**



**Motion: Eliminate racial profiling of Asian community**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:

- **BCS Strata Management, Building Manager Uniqueco Pty Ltd, and EC members submitted specific Asian community to unnecessary racial profiling by displaying messages on notice boards exclusively in their language three times in period 2015/2016,**
- **Strata Managing Agent, Building Manager, and EC members shall not approve or publish any communication on behalf of SP52948 in other languages unless the same note is displayed in English for the duration of the display,**
- **Owners and/or tenants of non-English speaking background shall be approached privately by Strata Managing Agent, Building Manager, and EC members, and appropriate communication established if required,**
- **Owners corporation condemns every attempt to racially discriminate or profile any community, nationality, or religion.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Levy increases and its growth pattern undisclosed to owners**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **Owners corporation approved increase of 6.12% in levies for FY 2017 at general meeting held on 19<sup>th</sup> of October 2016,**
- **BCS Strata Management and EC members misconstrued statements in the agenda and minutes of the general meeting in regards to compound levy growth for the previous 18 years – their figure of 3.5% is in fact 5.5% over 19 years,**
- **Annual percent growth rate for levies spread over period of 19 years when financial period is taken into account (1<sup>st</sup> of September to 31<sup>st</sup> of August) is 9.42%,**
- **BCS Strata Management and EC members failed to plan levies in accordance with real requirements for capital works and repairs in the complex, as 10-year Sinking Fund was not presented to and approved by owners corporation at any general meeting before October 2016, whilst major repairs and upgrades not completed as per numerous professional reports costing owners corporation around \$20,000.00 since 2012.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Better financial reporting with enforcement of all payments in prescribed timeframes**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), approves the following:**

- **To ensure simpler accounting, efficient calculations, and avoid misuse of accrual accounting, owners corporation shall introduce more transparent financial reporting with full access to ALL owners:**
  - Debtor Financial Status**
  - Cash Book Receipts**
  - Cash Book Payments**
  - Bank Reconciliation**
  - Detailed Expenses (Transaction Records) for Admin and Capital Works Funds**
  - Cash Management**
  - Statement of Financial Position**
- **Strata Managing Agent and EC members must enforce payments of all invoices within timeframes defined on invoices in order to avoid false accounting for the financial year.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Amend SP52948 By-Law 16 “Keeping of Animals”**

**The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, approve the following change to By-Law 16 “Keeping of Animals”:**

- **Subject to Section 139 of SSMA 2015, owners corporation cannot prevent keeping of assistance animals,**
- **Practical allowance to keep pets such as fish or birds without owners corporate consent applies,**
- **An owner of dogs and other small animals shall not be prevented from keeping them on reasonable grounds providing that prior approval in writing is obtained from the owners corporation,**
- **Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within one month from the date the change of the By-Laws is approved by owners corporation,**
- **To the extent of any inconsistency with previous by-laws, this by-law prevails.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Rescind SP52948 Special By-Law 8 “Acquisition of Additional Common Property”**

**The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, rescind By-Law 8 “Acquisition of Additional Common Property”:**

- **By-Law 8 is non-compliant with Strata Schemes Development Act 2015 Section 25,**
- **10% of the Capital Works Fund is too high to allow only members of the EC to make decision on its use,**
- **Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within one month from the date the change of the By-Laws is approved by owners corporation,**
- **To the extent of any inconsistency with previous by-laws, this by-law prevails.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

## **Motion: Lack of Proper 10-Year Sinking Fund – Now Called Capital Works Fund**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to maintain and update 10-Year Sinking Fund that matches real capital works in the complex since 1999,**
- **BCS Strata Management and EC members provided a copy of alleged 10-Year Sinking Fund, dated 31<sup>st</sup> of August 2010 in agenda for AGM 2016 for the first time to owners,**
- **BCS Strata Management and EC members had obligation to plan how they would repair and maintain common property and raise sufficient funds to cover the costs, and submit the 10-year Sinking Fund Plan for approval by owners at an annual general meeting (AGM) and be reviewed and adjusted, if required, in the first five years, which did not happen in SP52948,**
- **BCS Strata Management staff admitted they did not have copy of 10-Year Sinking Fund Plan in email to EC member on 11<sup>th</sup> of April 2014,**
- **Agenda for AGM 2014 contained misconstrued and misleading statement that 10-Year Sinking Fund was reviewed in 2014 and every five-years beforehand,**
- **BCS Strata Management and EC members failed to provide even relatively accurate predictions for major repairs and failed to attend to most of the alleged planned activities,**
- **BCS Strata Management and EC members failed to disclose major professional building reports that highlighted needs for repairs since year 2000,**
- **Without evidence of tender, or its disclosure to owners, Biv Reports Pty Ltd was commissioned to prepare new 10-Year Capital Works Fund assessment in late March 2017. It failed to address major works in proper manner:**

**Comprehensive risk and hazard assessment in line with Australian Elevator Association guidelines.**

**Comprehensive lifecycle report, so its findings can be factored in to the fund forecast.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Motion 15 for supervision of painting contract at AGM 2016 failed to disclose evidence**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to respond to enquiries about Paint Solutions & Associates in regards to their involvement with building painting in 2004, which ended with costs growing more than 24% above projected value and without owners corporation approval at any general meeting,**
- **BCS Strata Management and EC members failed to inform owners the building painting that started in 2004 forced Dulux consultant Mr. Brian Thompson to resign after several months due to his belief of poor quality of the works,**
- **BCS Strata Management and EC members failed to inform owners that Mr. Brian Thompson, through his resignation, leaving the project too early, left owners corporation with additional costs for unprofessional painting of the buildings, and unsightly appearance of the complex over many years,**
- **BCS Strata Management and EC members failed to inform owners that building painting started flaking, peeling, and bubbling within five years after the work, without enforcing any warranty repairs.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:

- **BCS Strata Management and EC members failed to respond to enquiries about scope of work for painting of buildings, townhouses, swimming pool, and other structures duly submitted to Secretary of the EC before AGM 2016,**
- **BCS Strata Management and EC members failed to disclose details of the cost for rendering work, that is seemingly not included in the painting of buildings, (Director of Waratah Strata and Caretaker Mr. Steve Carbone gave assurance on 1<sup>st</sup> of March 2017 that this was included in the approved painting project but no evidence was provided),**
- **BCS Strata Management and EC members failed to provide any details of the tenders for painting work,**
- **BCS Strata Management and EC members failed to provide details of what would be considered for painting on “townhouses, swimming pool, and other structures”, as per their agenda and minutes of the AGM 2016 (Director of Waratah Strata and Caretaker Mr. Steve Carbone stated on 1<sup>st</sup> of March 2017 that these costs were additional to approved figure at AGM 2016, although owners corporation was not notified and did not verify the amount of these costs or scope of the works),**
- **BCS Strata Management and EC members failed to provide evidence lattices in front of townhouses 194, 197, 199, 202, and 216 were common property, making them out-of-scope for painting of the townhouses,**
- **BCS Strata Management and EC members listed rendering cost at around \$100,000.00 at EC meeting on 21<sup>st</sup> of March 2016,**
- **BCS Strata Management and EC members failed to disclose details of the warranties that each tender provided.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>



**Motion: Fire services maintenance contract**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), approves the following:**

- **Owners corporation pays quarterly fee for fire services maintenance, without ongoing contract since early 2013,**
- **Pay-by-the-quarter is more expensive to the owners corporation, currently costing \$2,681.25 per quarter (GST exclusive) in FY 2016,**
- **Eagle Fire invoiced amount of \$1,699.75 (GST exclusive) per quarter in FY 2011, 2012, 2013, 2014, and 2015,**
- **Eagle Fire increased their quarterly fees by 57.75% in FY 2016 without tender or any competitive quotes,**
- **Owners corporation shall seek tenders for fire services maintenance and make a final decision at a general meeting.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Water savings plans and individual metering**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), approves the following:**

- **Strata Managing Agent, Building Manager, and EC members shall investigate options for Waterfix or similar program to install water saving devices and individual water usage monitoring,**
- **Within three months after the approval at general meeting, EC members shall submit findings and proposal in regards options available to owners to introduce individual water meters.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Roof membranes on Block A and C overdue for repairs**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members incorrectly stated that roofing issues in the complex were completed in FY 2016, as Block A and C did not have roof membranes fully redone, unlike Blocks B and D that were completed at cost of 171,006.00 (GST inclusive),**
- **BCS Strata Management and EC members failed to notify owners corporation of audit in 1999 that stated membranes would last around 10 years,**
- **BCS Strata Management and EC members failed to provide Napier & Blakely building report commissioned in 2012 which listed roof membranes as one of the items with serious priority: “The surfaces require preparing and recovering with a liquid applied waterproof membrane within the short to medium term (1-5 years)”.**
- **Roof membranes on Blocks A and C are overdue for full repairs and need to be planned and approved through multiple quotes at the next general meeting.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm Payments to Solicitor Mr. Adrian Mueller**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- Solicitor Mr. Adrian Mueller was engaged 14 times in period March 2012 and September 2016 without disclosure of expenses in any financial statement given to owners corporation at general meetings,
- Solicitor Mr. Adrian Mueller was paid \$63,318.77 (GST included):

Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date
J S MUELLER & CO SOLICITORS	78428	5/09/2016	\$1,100.00	19/09/2016
J S MUELLER & CO SOLICITORS	69179	28/10/2014	\$742.50	30/10/2014
J S MUELLER & CO SOLICITORS	67976	29/07/2014	\$484.00	31/07/2014
J S MUELLER & CO SOLICITORS	65777	6/03/2014	\$242.00	25/03/2014
J S MUELLER & CO SOLICITORS	65461	14/02/2014	\$20,624.75	05/03/2014
J S MUELLER & CO SOLICITORS	65483	18/02/2014	\$6,980.28	04/03/2014
J S MUELLER & CO SOLICITORS	64289	8/11/2013	\$484.00	19/11/2013
J S MUELLER & CO SOLICITORS	61904	24/06/2013	\$1,452.00	04/07/2013
J S MUELLER & CO SOLICITORS	61223	10/05/2013	\$11,568.72	20/05/2013
J S MUELLER & CO SOLICITORS	60252	6/03/2013	\$1,452.00	22/03/2013
J S MUELLER & CO SOLICITORS	58762	15/11/2012	\$13,986.12	27/11/2012
J S MUELLER & CO SOLICITORS	57380	10/08/2012	\$1,504.40	22/08/2012
J S MUELLER & CO SOLICITORS	56130	28/05/2012	\$198.00	31/05/2012
J S MUELLER & CO SOLICITORS	55003	13/03/2012	\$2,500.00	27/03/2012

- Two reports by the Office of Legal Services Commissioner, dated 31<sup>st</sup> of May 2013 and 13<sup>th</sup> of June 2013 were not disclosed by BCS Strata Management and EC members to owners corporation,
- Alternative quotes from other legal services providers were never disclosed and evidence of their existence not shown at any meeting.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm payment to Solicitor Mr. Adrian Mueller for undisclosed service on 5<sup>th</sup> of September 2016**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **Solicitor Mr. Adrian Mueller was engaged on, or around, 5<sup>th</sup> of September 2016 without disclosure of expenses in any financial statement given to owners corporation at general meeting,**
- **Solicitor Mr. Adrian Mueller was paid \$1,100.00 (GST included) for reviewing 50 pages of Motions submitted by Lot 158,**
- **BCS Strata Management and EC members failed to provide Costs Disclosure to owners corporation,**
- **Solicitor Mr. Adrian Mueller reviewed and provided advice on Motions submitted by Lot 158, with end result of 34 Motions being entirely excluded from agenda of the general meeting without due notice to the requestor and owners corporation denied a vote on the motions, and 6 Motions not including Explanatory Notes of crucial importance for owners corporation to have full knowledge of material circumstances before voting on 19<sup>th</sup> of October 2016,**
- **Alternative quotes from other legal services providers were not disclosed and evidence of their existence not shown at any meeting.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

## **Motion: Confirm missing and misquoted Motions at AGM 2016**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **34 Motions were entirely excluded from agenda of the general meeting by BCS Strata Management and EC members, without due notice to the requestor and owners corporation denied a vote on the motions on 19<sup>th</sup> of October 2016,**
- **6 Motions did not include Explanatory Notes of crucial importance for owners corporation to have full knowledge of material circumstances before voting on 19<sup>th</sup> of October 2016,**
- **BCS Strata Management and EC members failed to comply with SSMA 1996, Schedule 1, Section 14,**
- **BCS Strata Management and EC members failed to advise owners, when ruling a motion out of order they must give reasons for the ruling and state how the ruling may be reversed by the persons present and entitled to vote by GENERAL RESOLUTION (a one lot/one vote format) on 19<sup>th</sup> of October 2016,**
- **BCS Strata Management and EC members failed to advise that Motions were ruled out of order and excluded from the AGM agenda prior to the meeting at any legally-convened meeting,**
- **BCS Strata Management and EC failed to record missing Motions in the minutes of the meeting (that has not happened in SP52948 for 19 years).**
- **BCS Strata Management and EC members were warned about illegal conduct of the general meeting before AGM held on 19<sup>th</sup> of October 2016.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm undisclosed payments to EC members in FY 2016**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **\$899.20 (GST inclusive) was paid to two members of the EC in 2016 without disclosure in any financial statement:**

Cred. Code Presented	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Date
84678	S POGORELSKY	29480516	10/05/2016	\$200.00	16/05/2016	16/05/2016
81311	McK. S. & A.	IN5668	23/03/2016	\$299.20	08/04/2016	08/04/2016
81311	McK. S. & A.	29481215	18/12/2015	\$400.00	18/01/2016	18/01/2016

- **BCS Strata Management failed to sign Strata Managing Agent's Tender Declaration at AGM 2014 and 2016.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Lodge complaint against BCS Strata Management with Strata Community Australia (NSW)**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:**

- **BCS Strata Management is a professional member of the Strata Community Australia (NSW) (SCA (NSW)) and must abide by their Code of Conduct and Code of Ethics,**
- **Owners corporation shall lodge a complaint with SCA (NSW) for professional negligence and misconduct of BCS Strata Management over period of 16 years,**
- **Executive Committee members shall submit the formal complaint to SCA (NSW) and offer all necessary evidence if and when asked by SCA (NSW) without incurring any legal costs (or seeking one without approval by owners corporation at a general meeting).**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>



**Motion: Non-Compliance with Motion 17 carried at AGM 2014 and lodge complaint against BigAir with Telecommunications Industry Ombudsman**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:**

- **BCS Strata Management and EC members prevented this Motion from being listed in the agenda of the AGM 2014 and 2016 in spite of advance warnings about their misconduct, without due notice to the requestor, and owners corporation being denied a vote on the Motion on 19<sup>th</sup> of October 2016,**
- **BCS Strata Management and EC members refused to approve complaint formally lodged with Telecommunications Industry Ombudsman by Lot 158 in 2014 (case number 2014/10/0358),**
- **BCS Strata Management and EC members acted in non-compliance with Motion 17 at AGM 2014 for removing wireless ISP business BigAir running in the complex without authorization and contract since 31<sup>st</sup> of January 2014, at significant financial losses to owners,**
- **BCS Strata Management and EC members failed to provide evidence of actions as listed in minutes of EC meeting on 4<sup>th</sup> of March 2015 and 21<sup>st</sup> of March 2016,**
- **BCS Strata Management and EC members acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014, 2015, and 2016 that failed to provide evidence of actions by BCS Strata Management and EC members,**
- **BCS Strata Management and EC members failed to disclose details of tender and costs for legal advice in regards to BigAir since AGM 2014,**
- **Executive Committee members shall submit the formal complaint and request to evict BigAir from site R2MAC to Telecommunications Industry Ombudsman and offer all necessary evidence if and when asked by Telecommunications Industry Ombudsman without incurring any legal costs (or seeking one without approval by owners corporation at a general meeting),**
- **Executive Committee members shall make inquiries about professional neglect and breaches of contract by BigAir since 2004 and potential compensation claim at no cost to owners corporation, and report to owners within three months after the general meeting.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm lack of tenders for elevator maintenance contract in 2005 and 2010**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **Elevator maintenance contract was renewed with Liftronics in 2005 without consultation with EC members, without additional quotes, and without decision at a general meeting. By Chairperson's own admission, it turned out to be very expensive for period of five years,**
- **Elevator maintenance contract was secretly approved and signed off by BCS and a single EC member with ThyssenKrupp in 2010 for seven years under unfavorable conditions.**

**ThyssenKrupp Elevator original quote was based on THREE-YEAR contract through two types of services:**

**Platinum Full Comprehensive Agreement (\$22,200.00 per year, plus GST)**

**Gold Partial Comprehensive Agreement (\$16,400.00 per year, plus GST)**

**ThyssenKrupp Elevator's quote for the lift maintenance contract was kept undisclosed from the members of the Executive Committee for two months before BCS Strata Management and the single EC member negotiated and approved it alone, increasing it to SEVEN-YEAR CONTRACT (expiring on 30 June 2017), with difficult conditions for cancellation by the owners corporation:**

**Limited-Scope Agreement (\$20,000.00 per year, plus GST, with automatic increases matching CPI after the first two years)**

- **The real expenses for lift maintenance in 2010 exceeded \$161,000.00 when two phases in Block A power supply were short-circuited and Strata Manager forced owners corporation to urgently upgrade electrical switchboard with main goal to provide additional power capacity for Optus mobile phone antennae,**
- **BCS Strata Management failed to sign Strata Managing Agent's Tender Declaration at AGM 2014 and 2016.**

**Explanatory Notes:**

**Detailed Motions at:**

**<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>**

**Motion: Confirm inequitable and excessive water and gas reimbursements to selective townhouse owners**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **\$11,742.06 was paid for private water and gas reimbursements to 14 townhouse owners in period 1<sup>st</sup> of September 2015 and 31<sup>st</sup> of August 2016,**
- **11 townhouse owners did not receive any reimbursements in 2016,**
- **The reimbursements were distributed to selective townhouse owners in inequitable manner and without disclosure in any financial statements by Raine & Horne (acquired by BCS Strata Management in 2010) and EC members (of whom three were recipients of these payments). \$109,266.07 was paid for private water and gas reimbursements to selective townhouse owners in period 1997 to 2016 (1997 to May 2013 without Special Resolution or Special By-Law), based on limited access to financial documents which prevented access to owners for 8 years: 1997 to 2002 inclusive, 2005 , and 2006,**
- **Years 1997 to 2000: All gas and water reimbursements to selective townhouse owners were illegal without a Special Resolution or Registered By-Law; owners who claimed these expenses were unfinancial; AGMs were void and invalid due to lack of quorum,**
- **Years 2001 to 6 May 2013: All gas and water reimbursements to selective townhouse owners were illegal without a Special Resolution or Registered By-Law; GST and Service Charges claimed by owners for gas usage as well; owners who claimed these expenses were unfinancial; AGM were void and invalid due to lack of quorum; owners corporation made illegal GST claims from the Australian Taxation Office for private expenses paid to townhouses from common funds,**
- **6 May 2013 till November 2015: GST and Service Charges claimed by owners for gas usage in non-compliance with Special By-Law 13; owners who claimed these expenses were unfinancial at AGM 2013, AGM 2014, AGM 2015; AGM 2013 and two following General Meetings were void and invalid due to lack of quorum; owners corporation made illegal GST claims from the Australian Taxation Office for private expenses paid to townhouses from common funds,**
- **November 2015 till nowadays: GST and Service Charges claimed by some owners for gas usage. Some reimbursements paid in non-compliance with Special By-Law 13 for old invoices,**
- **EC meeting on 28 March 2011 reported that townhouse 194 requested new gas boiler and separate gas meter (not confirmed if the owner installed them),**
- **EC meeting on 17 May 1998 reported application by owner of Townhouse 213 and the EC approval that all future gas costs were to be met by the owner,**
- **EC meeting on 14 February 2001 reported application by owner of Townhouse 210 and EC decision for gas connection not to pay for future connection (service) fees,**
- **Details of payments for private water and gas usage to selective townhouse owners were not included in any financial statements for owners corporation at AGM 2016 or at any other time in the past,**
- **Three members of the Executive Committee were recipients of the undisclosed reimbursements for private water and gas usage in period 1999 to 6 May 2013 (when the Special By-Law was registered),**
- **Owners corporation was not advised by BCS Strata Management and EC members about voting entitlements that are based on levies paid into common funds at AGM 2016 or at any other time in the past.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm undisclosed rebates and commissions received by BCS Strata Management**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to disclose FULL commissions and rebates given to Pica Group (parent company of BCS Strata Management) by service providers used in the complex,**
- **BCS Strata Management and EC members failed to notify owners about incomplete and late reimbursements by BCS Strata Management for paid commissions.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm owners prevented from reviewing Ryan Strata tender at AGM 2016**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members prevented owners corporation from reviewing Ryan Strata tender for Strata Managing Agent's contract by excluding it from agenda at AGM 2016,**
- **Ryan Strata offered most-favorable and cheapest options.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm prior relationship between Waratah Strata Management and BCS Strata Management**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members did not disclose prior relationship between Director at Waratah Strata Management and BCS Strata Management at AGM 2016,**
- **BCS Strata Management and EC members failed to disclose to owners that Director of Waratah Strata Management was interviewed by members of the Executive Committee prior to Waratah Strata Management being nominated as the new strata managers at the AGM 2016. During that interview it was discussed that Mr. Simon Wicks was one of their employees who had managed SP52948 with poor performance in 2011,**
- **BC Strata Management and EC members failed to disclose to owners that Mr. Simon Wicks was planned to be Strata Manager for SP52948 if the event that Waratah Strata Management wins the contract at AGM 2016,**
- **BCS Strata Management and EC members failed to disclose to owners corporation number of references to Mr. Simon Wicks and his actions in 2015 and 2016 alone,**
- **BCS Strata Management staff confirmed in email on 23<sup>th</sup> of December 2016 that new Strata Managing Agent for SP52948 was Mr. Simon Wicks, who was an employee of BCS Strata Management and removed from managing SP52948 after around six-month period before AGM 2011.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Unclear listing of proxy votes at AGM 2016**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **10 proxies were invalid because owners were present at the meeting in person and BCS Strata Management did not disclose it in clear terms,**
- **Proxies and votes from townhouse owners who received inequitable water and gas reimbursements did not have valid entitlements to vote due to different amount of levies paid into common funds,**
- **Proxies and votes from unit owners who had second gas connection but did not pay due levies as required by Special By-Law 12,**
- **BCS Strata Management and EC members were warned about illegal conduct of the general meeting before AGM was held on 19<sup>th</sup> of October 2016.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm undisclosed payments to BCS Strata Management for non-compliant EC meetings in 2016**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **\$935.00 paid to BCS Strata Management for meetings that did not comply with proper organization of EC meetings in accordance with SSMA 1996 (agenda not sent to owners prior to meetings, and minutes of EC meetings not sent to owners),**
- **BCS Strata Management shall reimburse owners corporation (compensation claim due to professional negligence) in full amount of \$935.00 for failing to act in best interest of owners corporation, acting in non-compliance with SSMA 1996 on how to organize EC meetings, and charging owners corporation for private gatherings**
- **Minutes of EC meeting held straight after AGM 2016 on 19<sup>th</sup> of October 2016 confirmed that last valid EC meeting was on 20<sup>th</sup> of April 2016,**
- **To the extent of any inconsistency with previous by-laws or motions, this motion prevails.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>



**Motion: Confirm payments to BCS Strata Management for AGM 2016**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **\$1,078.55 paid to BCS Strata Management for attendance at AGM on 19<sup>th</sup> of October 2016.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: EC Meetings in 2016 Non-Compliant with SSMA 1996 and SSMR 2010**

**The Owners Strata Plan 52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members prevented this Motion from being listed in the agenda of the AGM 2016 in spite of advance warnings about their misconduct, without due notice to the requestor and owners corporation being denied a vote on the Motion on 19<sup>th</sup> of October 2016,**
- **BCS Strata Management did not send agenda on 15<sup>th</sup> of March 2016 and conduct EC meeting on 21<sup>st</sup> of March 2016 as per NSW strata regulations:**

**Non-compliance with STRATA SCHEMES MANAGEMENT ACT 1996 - SCHEDULE 3, Section 4 (2)  
Vacation of office of member of executive committee – replacing EC member**

**Non-compliance with STRATA SCHEMES MANAGEMENT ACT 1996 - SCHEDULE 3, Section 6 (3)  
Notice of executive committee meetings – detailed agenda (emphasis on Building Manager's contract)**

- **BCS Strata Management did not send agenda to all members of owners corporation on 11<sup>th</sup> of April 2016 and conduct EC meeting on 20<sup>th</sup> of April 2016 as per NSW strata regulations:**

**Non-compliance with STRATA SCHEMES MANAGEMENT ACT 1996 - SCHEDULE 3, Section 6 (1)  
Notice of executive committee meetings – 72 hours before the meeting**

**Non-compliance with STRATA SCHEMES MANAGEMENT ACT 1996 - SCHEDULE 3, Section 16 (1)  
Display of minutes - within 7 days after a meeting of the executive committee**

**Motion: Retrospective payments into common funds as per Special By-Law 12 “Control of common gas supply”**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to provide evidence of compliance with Special By-Law 12 “Control of common gas supply” in regards to properly applied retrospective charges to building owners who failed to declare second gas supply connections,**
- **In period from 21<sup>st</sup> of July 1999 (EC meeting) till 28<sup>th</sup> of August 2013 after the Special By-Law 12 was registered, the levies were struck at \$200.00 per year (plus GST introduced in year 2000),**
- **In period since 28<sup>th</sup> of August 2013, the applicable gas levies were \$55.00 per year (GST inclusive),**
- **In period since 14<sup>th</sup> of April 2014, the applicable gas levies were \$220.00 (GST inclusive),**
- **At EC meeting held on 16<sup>th</sup> of March 2017, the gas levies were increased to \$220.00 per year.**
- **EC members with second gas connection but failed to disclose for how many years, if they were in use, or they did not pay the correct levies:**

**Mrs. Lorna Zelenzuk, Lot 3  
Mr. Upali Aranwela, Lot 62 (ex-EC member)  
Mr. Stephen Luxmoore, Lot 144  
Mr. Ron Craig, Lot 163 (deceased)  
Mr. Moses Levitt, Lot 147  
Mr. Stan Pogorelsky, Lot 181  
Mrs. Mariana Paltikian Lot 88**

- **The four EC members alone (Mrs. Lorna Zelenzuk Lot 3, Mr. Upali Aranwela Lot 62, Mr. Moses Levitt Lot 147, and Mr. Stan Pogorelsky Lot 181) owe to owners corporation around \$10,000.00 (plus 10% interest applied in each year) in UNPAID GAS LEVIES for the period of at least 15 years. It also means they were UNFINANCIAL and could not make any decisions at general meetings,**
- **Townhouses have second gas connections but were receiving reimbursements for private gas usage for many years:**

**Lots 194, 199, 206, and 209.**

- **EC meeting 17 May 1998: Application by owner of townhouse 213 and the EC approval that all future gas costs were to be met by the owner, so this owners should have never received reimbursements for personal gas usage that they claimed for 19 years!**
- **Current EC members Mrs. Lorna Zelenzuk (Secretary of the EC), Mr. Moses Levitt, and Mr. Stan Pogorelsky (Chairperson of the EC) failed to declare the special interest in this issue.**

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

- **Addendum to notice for AGM 2016 contained unexplained accounting details for gas charges that differ in their amounts, did not provide details for period they applied, and confirmation if these owners were allowed to vote at previous general meetings,**
- **BCS Strata Management and EC members failed to provide evidence of those owners who did not pay for second gas connection but declared financial at general meetings.**

**Explanatory Notes:**

**Detailed Motions at:**

**<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>**



**Motion: Recovery of lost revenue from BCS Strata Management for illegal operation by ISP BigAir**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:**

- **BCS Strata Management and EC members included this as Motion 17 in the agenda for AGM 2016 but failed to include Explanatory Notes, and without due notice to the requestor of the Motion,**
- **BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation (compensation claim due to professional negligence), acting in non-compliance with Motion 17 carried at AGM 2014, delaying eviction of the ISP although it had no dependence on the rollout of the NBN, and allowing wireless ISP BigAir to run business without contract or approval since 31<sup>st</sup> of January 2014 in the following manner:**
- **Penalty rate of \$2,000.00 plus GST per each calendar month (or pro-rata), with 10% yearly interest rate, calculated since 31<sup>st</sup> of January 2014,**
- **All disclosed legal costs incurred by Grace Lawyers since 31<sup>st</sup> of January 2013, amounting to \$1,394.25 (GST inclusive), with 10% yearly interest rate since the date they were paid from common funds, and any other such expenses by Grace Lawyers or other legal service providers, pending financial audit by owners corporation within one month after the resolution at general meeting.**
- **If carried, the first bulk payment into owners corporation funds shall include all months since 31<sup>st</sup> of January 2014 and be enforceable within 30 days after the general meeting,**
- **Payments into owners corporation funds shall continue until such time when BigAir removes their equipment from the complex, or different decision is made by owners corporation,**
- **Payments into owners corporation funds shall be monthly and strictly monitored by members of the EC,**
- **To the extent of any inconsistency with previous by-laws or motions, this motion prevails.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Recovery of Lost Revenue from BCS Strata Management for Overpayment to Universal Property Services in FY 2013/2014**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation (compensation claim due to professional negligence) and allowing overpayments to Universal Property Services for cutting working hours for night-shift security guards by two hours without approval in FY 2013/2014 in the following manner:**
- **Penalty rate of \$14,000.00 plus GST, with 10% yearly interest rate applicable from November 2013,**
- **If carried, the bulk payment into owners corporation funds shall be enforceable within 30 days after the general meeting,**
- **To the extent of any inconsistency with previous by-laws or motions, this motion prevails.**

**Explanatory Notes:**

In spite of one-year advance notice on 1<sup>st</sup> of December 2013, BCS Strata Management continued to pay for services to Universal Property Services for unrealized working hours for night-shift security guards by two hours without approval, amounting to losses above \$14,000.00 in FY 2014. EC members officially admitted this loss in common funds at AGM 2014 - undisclosed in Minutes of the meeting.

**Motion: Recovery of Lost Revenue from BCS Strata Management for Failing to Comply with Loyalty Discount Agreed by Private Negotiations Involving COO Mr. Greg Freeman on 24<sup>th</sup> of October 2011**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:**

- **BCS Strata Management and EC members failed to include Explanatory Notes for this Motion in the agenda for AGM 2016, changed title of the Motion to hide identity of COO of BCS Strata Management without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion with full knowledge of the request,**
- **In spite of four paid document searches as per SSMA 1996 Section 108, BCS Strata Management failed to provide any evidence that owners corporation received those discounts in period 2012-2016 inclusive,**
- **BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation (compensation claim due to professional negligence) in the following manner:**
- **Penalty rate of \$7,770.00 plus GST, with 10% yearly interest rate applicable from October 2014 (middle ground between 2011 and AGM 2016),**
- **If carried, the bulk payment into owners corporation funds shall be enforceable within 30 days after the general meeting,**
- **To the extent of any inconsistency with previous by-laws or motions, this motion prevails.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Recovery of lost revenue from BCS Strata Management for failing to enforce warranties for garden bed repairs**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:**

- **BCS Strata Management and EC members failed to include Explanatory Notes for this Motion in the agenda for AGM 2016, without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion with full knowledge of the request,**
- **BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation (compensation claim due to professional negligence) and allowing additional expenses to be incurred from common funds for poor repairs of garden beds and walls in the following manner:**
- **Penalty rate of \$15,000.00 plus GST, with 10% yearly interest rate applicable from May 2015 (middle ground between 2013 and AGM 2016),**
- **If carried, the bulk payment into owners corporation funds shall be enforceable within 30 days after the general meeting,**
- **To the extent of any inconsistency with previous by-laws or motions, this motion prevails.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>



**Motion: Undisclosed Secret Cash Advance from PICA Group – Parent Company of BCS Strata Management**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to disclose secret cash advance from BCS' parent company PICA Group before AGM 2014 in any financial statement or minutes of meetings,**
- **BCS Strata Management and EC members failed to disclose reasons for the cash advance and the real financial status of owners' funds at AGM 2014, 2015 and 2016,**
- **BCS Strata Management and EC members failed to disclose to owners corporation that cash advance was repaid to PICA Group six months later on 25<sup>th</sup> of March 2015, in amount of \$20,745.50,**
- **BCS Strata Management refused to sign Declaration of Conflict of Interest before AGM 2014 and AGM 2016,**
- **BCS Strata Management acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014 and 2015 and failed to provide evidence which EC members and BCS staff authorized and knew about it,**
- **BCS Strata Management and EC members failed to provide any evidence of multiple quotes for tender of strata management contract renewal before AGM 2014, or at any time in period 1999 and 2015.**

**Motion: Undisclosed Motion - reimbursements of 192 owners in buildings for excessive levies at AGM 2015**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to include Motion for AGM 2015 that was submitted by Lot 158 on 27<sup>th</sup> of January 2015, and resubmitted before AGM 2015, titled**

**SPECIAL BY-LAW: "Reimbursements of 192 owners for excessive levies"**

**Motion: Undisclosed Motions – not included in Agenda for AGM 2015**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to comply with request by Lot owner 158 for Motions for AGM 2015 that were initiated on 2<sup>nd</sup> of October 2015, one month before the general meeting.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Public commitment by Pica Group to investigate BCS Strata Management misleading and undelivered**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motions,**
- **PICA Group (parent company of BCS Strata Management) has not publicly or privately refuted any statements of serious misconduct and mismanagement by BCS Strata Management as reported by Lot 158, implicitly confirming Lot owner 158 speaking truth and offering indisputable evidence.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Undisclosed tender for Building Manager's contract in 2014 and 2016**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members increased Building Manager's contract value by around 16% in comparison to previous year without tender at AGM 2014,**
- **BCS Strata Management and EC members increased Building Manager's contract value by additional 1% without tender at AGM 2016,**
- **EC members and BCS Strata Management speculated about CPI in June 2016 and made decision about 2% rise of the Building Manager's contract at alleged EC meeting on 26<sup>th</sup> of March 2016, three months before it was announced by Australian Bureau of Statistics,**
- **EC members and BCS Strata Management failed to review service delivery by the current Building Manager in professional manner,**
- **EC members and BCS Strata Management failed to notify owners corporation that additional tenders for the Building Manager's and Strata Management contracts were requested on 7<sup>th</sup> of April 2016.**
- **BCS Strata Management and EC members failed to provide any evidence of competitive tenders for renewal of Building Manager's contract in 2014 and 2016,**
- **BCS Strata Management and EC members acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014, 2015 and 2016.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Building Manager Uniqueco Pty Ltd non-compliance with contract**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **Building Manager did not comply with the Contract signed with SP52948 on 7<sup>th</sup> of December 2014,**
- **BCS Strata Management was in non-compliance with SSMA 1996 Section 108 for document search in 2014, 2015 and 2016 by failing to provide access to full financial transactions and other strata files in regards to Building Manager's activities,**
- **Building Manager did not, and still does not, provide digital photos and evidence of damages in monthly reports,**

**Motion: Building Manager's Non-Compliance with OH&S pavers tripping hazard**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **Building Manager failed to comply with OH&S tripping hazard requiring pavers to be repaired as per Napier & Blakely's building report dated July 2012.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Register of items excluded from common-property listing**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to provide evidence of Register of Property that is not on common-property listing any longer:**

**Special By-Law 4 for exclusive rights to common property granted to Lot 3 in January 2003,**

**Five private lattices in front of townhouses Lot 194, Lot 197, Lot 199, Lot 202, and Lot 216 (not approved at any meeting),**

**EC meeting 15 August 2007: Lot 135 application for solar film on windows,**

**28 March 2011: Townhouse 194 requested new gas boiler and separate gas meter**

**EC meeting 4 February 1998: Lots 177 and 183 approved to install double-glaze windows (By-Law planned to be approved at General Meeting but never eventuated)**

**EC meeting 17 March 1998: Lot 62 approved to install double-glaze windows (By-Law planned to be approved at general meeting but never eventuated)**

**EC meeting 17 March 1998: Townhouse 219 approved to install polycarbonate sheeting as pergola cover and installation of air-conditioning unit**

**EC meeting 17 May 1998: Application by owner of Townhouse 213 and the EC approval that all future gas costs were to be met by the owner**

**EC meeting 19 August 1998: Townhouse 206 approved to install polycarbonate sheeting as pergola cover**

**EC meeting 14 February 2001: Application by owner of Townhouse 210 and EC decision for gas connection not to pay for future connection (service) fees**

**EC meeting 4 March 2015: Two townhouse connections from their courtyards to common storm water drain (acquisition of common property without Special Resolution or registered By-Law)**



**Motion: Undisclosed details of signatories withdrawing from SP52948 funds**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to disclose names of official signatories who can withdraw from strata funds, in non-compliance with SSMA 1996 Section 108 for strata document search in 2013, 2014, 2015, and 2016.**

**Motion: Undisclosed Motion recommended by Department of Fair Trading for AGM 2015**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to include recommendation for engaging the services of a forensic auditor to scrutinize the strata scheme's accounts for the last five years at AGM 2015,**
- **BCS Strata Management failed to inform owners about Department of Fair Trading files 7563482 and 7938059 during 2015 or at any time afterwards.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Undisclosed evidence that pergolas are common property for 16 years**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **Failed to disclose evidence and proof of pergolas being common property, in non-compliance with SSMA 1996 Section 108 for strata document search in 2013, 2014, 2015, and 2016,**
- **BCS Strata Management and EC members failed to disclose this information to CTTT, hindering their investigation, in non-compliance with the strata laws,**
- **BCS Strata Management and EC members misconstrued statements about pergolas at the following meetings:**

**EC meeting on 17<sup>th</sup> of November 1999**

**EC meeting on 19<sup>th</sup> of January 2000**

**EC meeting on 24<sup>th</sup> of May 2000**

**AGM on 5<sup>th</sup> of October 2000**

**EC meeting on 14<sup>th</sup> of February 2001**

**EC meeting on 8<sup>th</sup> of August 2001**

**AGM on 14<sup>th</sup> of October 2010**

**EC meeting on 1<sup>st</sup> of December 2010**

**EC meeting on 16<sup>th</sup> of February 2011**

**EC meeting on 13<sup>th</sup> of April 2011**

**EC meeting on 20<sup>th</sup> of July 2011**

**EC inquiry to Solicitor Mr. Adrian Mueller on 21<sup>st</sup> of January 2015**

- **BCS Strata Management and EC members failed to disclose costs of repairing and repainting pergolas three times since year 2000 exceeding \$90,000.00 without evidence of competitive tenders as requested in SSMA 1996 Section 108 searches in 2013, 2014, 2015, and 2016, and without decisions at general meetings,**
- **New Strata Management Agency for SP52948, Waratah Strata Management, produced photocopy of Determination of Title Boundary, dated 27<sup>th</sup> of July 2000, printed on 11<sup>th</sup> of January 2013.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Non-compliance with Motion 16 carried at AGM 2014**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to provide any evidence of tender for roof membrane repairs that were completed for Blocks B and D without emergency requirements,**
- **BCS Strata Management and EC members did not disclose full details of total expenses amounting to \$171,006.00 (GST inclusive) for roof membranes in Block B and D in 2015/2016 period,**
- **BCS Strata Management and EC members failed to confirm warranty period of 15 years, as service provider advised in their invoice on 27<sup>th</sup> of February 2015 that liquid membrane applied to roofs came with only 5-year warranty due to excessive cracking and water ponding on the existing concrete substrate, which was reported in Napier & Blakely's building assessment as early as July 2012 and never disclosed to owners corporation.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Lack of evidence for multiple quotes for major hot water repairs and poor enforcement of warranties in period 2010 - early 2017 while BCS Strata Management was strata managing agency for SP52948**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to provide any evidence of tender for hot water repairs that were completed for Blocks B and D without emergency requirements,**
- **BCS Strata Management and EC members did not disclose full details of total expenses amounting to \$77,062.70 (GST inclusive) for hot water repairs in Block B and D in 2015/2016 period,**
- **BCS Strata Management and EC members failed to disclose large expenses for Block D hot water repairs and failure to enforce proper warranties in period 2010-2012 amounting to \$16,470.20 (GST inclusive). This information BCS Strata Management and EC members prevented from being presented at EC and general meetings since May 2015,**
- **It took BCS Strata Management and EC members almost two years to claim back for poor manufacturing and installation in Block D only \$783.50 that originally cost owners corporation \$16,470.20 (GST inclusive),**
- **Australian Hot Water was paid \$9,639.00 (GST inclusive) in January 2017 for Rinnai internal commercial gas continuous flow HWS x 5 for Block C, with only five-year manufacturer warranty and one-year warranty on installation. Balance on completion of work: \$22,681.71. Total cost: \$32,320.71.**
- **Invoices for hot water repairs in 2015 and 2016**

Cred. Presented	Creditor Name	Doc. Ref. No.	Doc. Date	Total (GST inc)	Chq. Date	Date
96118	ROSERIVER PTY LIMITED	8639	6/12/2016	\$770.00	13/12/2016	13/12/2016
96118	ROSERIVER PTY LIMITED	8610	20/10/2016	\$2,480.50	31/10/2016	31/10/2016
96118	ROSERIVER PTY LIMITED	8548	14/06/2016	\$2,722.50	16/06/2016	16/06/2016
96118	ROSERIVER PTY LIMITED	8537	24/05/2016	\$10,120.00	30/05/2016	30/05/2016
96118	ROSERIVER PTY LIMITED	8487	23/02/2016	\$286.00	29/02/2016	29/02/2016
96118	ROSERIVER PTY LIMITED	8441	19/11/2015	\$4,374.70	07/12/2015	07/12/2015
96118	ROSERIVER PTY LIMITED	8404	10/09/2015	\$10,109.00	24/09/2015	24/09/2015
96118	ROSERIVER PTY LIMITED	8366	18/06/2015	\$46,200.00	03/07/2015	03/07/2015

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Amend Motion 8 at AGM 2015**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members included this as Motion 17 in the agenda for AGM 2016 but failed to include Explanatory Notes, and without due notice to the requestor of the Motion,**
- **Motion 12 at AGM 2014 has no relation to “approved” Motion 8 at AGM 2015,**
- **Make amendment for Motion 8 at AGM 2015 as for ratification to be legal and successful, full disclose is required – clear adoptive act.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Undisclosed Special By-Law for exclusive rights to common property granted to owner of Lot 3**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:

- BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,
- Owner of Lot 3 failed to disclose benefits obtained through exclusive rights to common property at any general meeting before announcing her candidacy for Executive Committee,
- Special By-Law 4, granting exclusive rights to common property to owner of Lot 3 (previous Chairperson of the EC and current EC member), registered on 24<sup>th</sup> of July 2003 has been kept undisclosed by BCS Strata Management to all owners and investors since that time, in non-compliance with Australian Consumer Law and Strata Act,
- Owners corporation sought evidence of compliance with Special By-Law 4 from owners of Lot 3 that was never provided, and never shown in document searches as per SSMA 1996,
- Owners corporation shall issue notice to Lot 3 to comply with Special By-Law 4 in regards to public liability insurance and submit its proof to owners corporation before each general meeting,
- Non-compliance with Special By-Law 4 and SSMA 2015 Section 135 shall invoke requirement to issue notice of compliance to owners of Lot 3,
- Waratah Strata Management updated the By-Laws in late March 2017.
- At EC meeting held on 16<sup>th</sup> of March 2017, current EC member Mrs. Lorna Zelenzuk (Secretary of the EC) failed to declare the special interest in issue of insurance reimbursement claim by CHU Insurance at meeting held on 16 March 2017.

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

- BCS Strata Management secretly changed insurance policy for the complex on 1 August 2012, without owners corporation approval at any meeting. Then, they started making claims for legal fees for non-existent CTTT case "defending Lot 3", engaging Solicitor Mr. Adrian Mueller (without valid owners corporation decision). Insurance claims in amount of \$24,919.31 for alleged "defence" of Lot 3 at CTTT in 2012/2013:

First claim on 31 August 2012	\$367.64
Second claim on 7 December 2012	\$12,714.65
Third claim on 26 April 2013	\$1,320.00
Fourth claim on 4 June 2013	\$10,517.02

- McCulloch Lawyers, on behalf of CHU Insurance, requested owners corporation to repay \$8,800.00 for insurance claims that BCS Strata Management made.

BCS Strata Management was aware of this at least since 19<sup>th</sup> of October 2016 and kept owners corporation uninformed until they left.

Waratah Strata Management, Mr. Robert Crosbie, was aware of this since 11<sup>th</sup> of January 2017.

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Correction for statements by Chairperson Mr. Stan Pogorelsky at AGM 2016**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members provided misleading, inaccurate, and misconstrued statements about alleged offer to meet owner of Lot 158 before AGM 2016,**
- **The offer by Mr. Stan Pogorelsky contained contradictory information, lacked agenda, and goals for the meeting,**
- **Email by Lot 158 on 26<sup>th</sup> of November 2016 was ignored and not actioned as per SSMA 1996 and 2015.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf> This was listed in minutes of AGM 2016:



**Motion: One-and-half-year delayed concrete cancer repairs**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management, Building Manager Uniqueco Pty Ltd, and EC members failed to repair common property in a timely manner, in non-compliance with SSMA 1996 Section 62.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>


**Motion: Undisclosed pending major water leak repairs in Block A**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,
- BCS Strata Management, Building Manager Uniqueco Pty Ltd, and EC members hid information about seriousness of the water leak problems in Block A and throughout the complex,

Explanatory Notes:

- Invoice by NCB Plumbing:

		NCB Plumbing Pty Ltd ABN: 34 079 095 257 Lic No. 118009C Plumber, Drainer, Gasfitter, Roofer, LPG	PO Box 971 Epping NSW 1710 P: (02) 9807 3544 F: (02) 9807 3944 M: 0411 746 974 E: ncbplumbing@bigpond.com
OWNERS CORPORATION: 52948 C/- BCMS Locked Bag 22 Haymarket NSW 1238		<b>TAX INVOICE</b>	
INVOICE No: 35299		DATE: 24/02/16	
INVOICE TO STRATA PLAN No: 52948			
ADDRESS OF JOB: 192+191/1-15 Fontenoy Road North Ryde		AMOUNT	
Commenced: 01/02/16 Completed: 04/02/16		Job No: NA	
<p>Called out by caretaker to a report of a water leak in unit 192. On arrival we found water leaking through the kitchen ceiling. After gaining access to unit 191 next door, we then had to cut open the bathroom ceiling in a few locations, for better access to the water piping. We cut open the hot water lagging to eventually locate a small burst pipe. We were able to temporarily clamp the leak.</p> <p>We returned again to shut down the hot water to the building, so we could cut out and replace the affected section of piping as needed. Tested new piping and cleaned up mess to complete our part of the job.</p> <p>Please note: to fix all these ongoing water leaks throughout units 189, 190, 191 and 192 would be a very big job, as all the ceilings would need to be pulled down throughout all these units kitchens, bathrooms and possibly hallways and bedrooms to access all the piping.</p>			

**Motion: Repetitive failures to repair common property**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **Repetitive repairs of water leaks are done without warranties and at significant cost and risks to owners corporation,**
- **BCS Strata Management and EC members failed to acknowledge these repairs as inefficient, inadequate and incomplete.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Undisclosed free mediation at Department of Fair Trading in 2015**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to attend free Mediation at Department of Fair Trading as per file SM 15/1226RH in 2015, in regards to financial mismanagement, inadequate maintenance of the complex, non-compliance with the strata laws, and recovery of funds from BCS Strata Management.**

**Motion: Undisclosed reports and lack of maintenance as recommended by Professional Assessors**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to disclose full details of the following professional building and plant reports, and failed to maintain common property as recommended:**
  - **Leary and Partners Sinking Fund forecast (EC meeting 17<sup>th</sup> of November 1999),**
  - **McMillan, Britton and Kell report dated 21<sup>st</sup> of March 2000 in regards to wall cracks. Cost undisclosed to owners.**
  - **Napier & Blakeley in July 2012. Total cost of the report (GST inclusive) was \$12,144.00. They warned about roof status and many other problems in the complex. This report was hidden from CTTT and Department of Fair Trading,**
  - **Murdocca & Associates report on Block D internal cracking in April 2010. Total cost of the report (GST inclusive) was \$792.00,**
  - **ThyssenKrupp Elevators report on elevators in December 2013,**
  - **Vertical Transport Management Services report on elevators in February 2014. Total cost of the report (GST inclusive) was \$1,430.00,**
  - **Building roof water penetration testing in mid-2014,**
  - **Integrated Consultancy Group on 4<sup>th</sup> of November 2014. Total cost of the report (GST inclusive) was \$1,815.00. The report includes warnings about concrete cancer.**

**Motion: Rescind Motion 22 at AGM 2016 and enforce maintenance of common property – including bathroom tiles**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members included this as Motion 22 in the agenda for AGM 2016 but failed to include Explanatory Notes, and without due notice to the requestor of the Motion,**
- **Lack of information prevented owners from making informed decision (clear adoptive action),**
- **Rescind decision for Motion 22 at AGM 2016 as illegal.**
- **Owners corporation must repair all common property, including tiles in the bathrooms, unless decided differently by special resolution, as per SSMA 1996 Section 62, and new SSMA 2015 Section 106.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Electricity supply contract signed three months before its expiration without evidence of tender and without disclosure to owners corporation**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members failed to disclose at AGM 2015 and 2016 or at any other meeting, that Strata Managing Agent Mr. Gary Mills, without official decision at General Meeting, or decision at any legally-convened meeting by the Executive Committee, signed the electricity supply contract for three-year period on 8<sup>th</sup> of July 2015, almost three months before the expiration of the contract,**
- **BCS Strata Management and EC members acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2012, 2015 and 2016 that failed to provide proof of electricity supply tender,**
- **BCS Strata Management and EC members failed to disclose if any rebates and/or commissions were received by Pica Group (parent company of BCS) or BCS Strata Management for this contract,**
- **Figure presented by BCS Strata Management and EC members in agenda for AGM 2016 is incorrect. They state \$54,216.00 whilst the real one is \$60,760.35 (GST exclusive),**
- **Document search at Waratah Strata Management on 13<sup>th</sup> of June 2017 found no files that show details of the tender or details of the commissions received.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Regular fire safety reports show SP52948 non-compliant with Australian Standards**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management, Building Manager, and EC members failed to maintain common property in compliance with AS1905.1 and AS1530.4 for more than 12 years in regards to external fire door on Unit 158 and number of other Lots (undisclosed issues), potentially endangering safety and lives,**
- **BCS Strata Management submitted fire safety reports to Ryde City Council without satisfying compliance requirements with full support from E members,**
- **BCS Strata Management, Building Manager, and EC members failed to notify owners corporation about failed fire safety tests over many years.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>



**Motion: Five townhouse owners occupy common property without owners corporation approval**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management and EC members did not provide any evidence of approval for the following townhouse owners to erect lattices on common property, making such actions illegal and occupying common property without any rights:**
  - Lot 194**
  - Lot 197**
  - Lot 199**
  - Lot 202**
  - Lot 216**
- **BCS Strata Management and EC members who lived in townhouses failed to disclose potential conflict of interest at every general meeting since 2000,**
- **BCS Strata Management failed to provide any evidence that the five townhouse owners used own funds for erecting lattices,**
- **Owners corporation shall not maintain those lattices and no expense is allowed from common funds,**
- **Owners corporation shall keep record of lattices under no-common-property items.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Non-compliance with SSMA 1996 S108 for paid document searches**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management Acted in non-compliance with SSMA 1996 Section 108 for document searches in 2014 and 2015, paid by Lot 158 on their behalf and the proxy votes vested in them, amounting to around \$400.00,**
- **BCS Strata Management failed to comply with Strata Community Australia Code of Conduct, 2.1, with special emphasis on section G in this particular case,**
- **Lot 158 spent more than \$2,500.00 for document searches including years 2011, 2012, and 2013 without providing access to majority of strata documents,**
- **BCS Strata Management and EC members failed inform owners corporation about their persistent refusal to provide access to owners corporation documents.**
- **Document search at Waratah Strata Management on 13<sup>th</sup> of June 2017 confirmed that many strata documents are missing.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Illegal usage of city council land for parking**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **Without approval at any EC or general meeting, Building Manager Uniqueco Pty Ltd opened gates towards M2 city council land and allowed parking for two years,**
- **BCS Strata Management, EC members, and Building Manager ignored request for proof of decision to use council land,**
- **Because of this Motion at AGM 2016, Building Manager quietly closed the gate towards council land, but it is unknown if it will be re-opened again,**
- **If gate is reopened, owners corporation shall not be liable for any accidental or deliberate damage to property caused by vehicle movement on council land,**
- **Building Manager shall be responsible for any issues arising from illegal usage of council land.**

Explanatory Notes:

Detailed Motions at:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2017-Motions-by-Lot-158.pdf>

**Motion: Confirm undisclosed insurance claims for Lot 3 in 2012/2013**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management, with full knowledge and support by EC members, made four insurance claims in amount of \$24,919.31 for alleged "defense" of Lot 3 at CTTT in 2012/2013:**

<b>First claim on 31<sup>st</sup> of August 2012</b>	<b>\$367.64</b>
<b>Second claim on 7<sup>th</sup> of December 2012</b>	<b>\$12,714.65</b>
<b>Third claim on 26<sup>th</sup> of April 2013</b>	<b>\$1,320.00</b>
<b>Fourth claim on 4<sup>th</sup> of June 2013</b>	<b>\$10,517.02</b>

- **BCS Strata management and EC members failed to disclose the insurance claims in any financial statements to owners corporation,**
- **The insurance policy was changed one month before the secret first claim was made, in spite of insurance broker's warnings about high risks,**
- **Owner of Lot 3 was ex-Chairperson of the Executive Committee and current member,**
- **Solicitor Mr. Adrian Mueller, who recommended the insurance claims in 2012, reviewed this Motion on, or around 5<sup>th</sup> of September 2016,**
- **In April 2017, CHU Insurance was repaid \$8,800.00 for illegal claim made in 2012/2013 for "CTTT defense of Lot 3",**
- **The legal case for defense of Lot 3 did not exist.**

Explanatory Notes:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Secretly-Engaging-Solicitor-Illegally-and-Making-Fraudulent-Insurance-Claims-2012-2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-Undisclosed-Details-of-CHU-Insurance-Reimbursements-Waratah-Strata-Management-Contract-details-and-Defamation-of-Lot-158-through-false-statements-at-EC-meeting-16Mar2017.pdf>

**Motion: Frequent changes of staff managing SP52948 at BCS Strata Management**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,**
- **BCS Strata Management replaced seven Strata Managing Agents and three Branch Managers due to unsatisfactory performance, or staff resignations, in period 2010 to 2016 before they lost contract with SP52948 at general meeting on 19<sup>th</sup> of October 2016:**

**John Fry  
Simon Wicks  
Gary Webb  
Peter Bone  
Paul Banoob  
Russell Young  
Gary Mills  
Billy Cheung  
Simon Brikha  
Mike Smythe**

**Motion: Selection of Executive Committee members not compliant with Strata Laws**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **Lot 158 candidacy for Executive Committee was silently ignored, and ballot not conducted, or conducted in non-compliance with SSMA 1996 and SSMR 2010 Section 18 at the meetings in period 2013 to 2016,**
- **BCS Strata Management and EC members removed Lot 158 candidacy for EC without legal grounds and without notification to owners corporation in period 2013 to 2016,**
- **AGM 2016 had 12 candidates for the EC and ballot was conducted in non-compliance with Strata Schemes Management Regulation 2010 Section 18,**
- **Minutes of AGM 2016 failed to disclose details of the ballot,**
- **Mr. Stan Pogorelsky personally approved minutes of the AGM 2016,**
- **BCS Strata Management and EC members failed to disclose details of unfinancial EC members due to unpaid levies for second gas connection as at AGM 2016,**
- **Waratah Strata Management and EC members failed to notify owners about multiple candidates for vacant position of the EC at meetings in March and April 2017 and selected a townhouse owners who did not disclose personal benefits in receiving reimbursements for water and gas usage.**

**Motion: EC Member Mr. Moses Levitt failed to provide evidence of investigation about missing LED**

**The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:**

- **EC meeting held on 12<sup>th</sup> of February 2014 assigned duty to Mr. Moses Levitt to review the work completed on LED lights replacements and document the missing LED installations who were charged from common funds,**
- **Request by Lot 158 to view the results of this work was denied by BCS Strata Management and EC members,**
- **At document inspection at Waratah Strata Management, on 13<sup>th</sup> of June 2017, no official document was found that could confirm actions by Mr. Moses Levitt.**