

Subject: RE: SUMMARY: CTTT SCS 13 Directions Hearing on 6 Nov 2013 - list of some documents required
From: SP52948 owner
To: Peter Bone <PeterB@bcms.com.au>
Cc: Paul Banoob <Paul.Banoob@picaust.com.au>, EC members
Date: Fri, 08 Nov 2013 10:49:27 +1100

Hello,

They are well documented, but if you insist here they are. Note that your duty was to provide me with the ADVANCED invoice for any costs (including file retrieval fees) before the scheduled visit, which you failed to satisfy. Your office deliberately avoided responding to my strict requests and then provided the generic invoice for the visit to your site. Then, at the time of the visit, the documents were not available and your "defense" was that I could ask for them separately!? I am sorry, that game you can keep for yourself.

Since they were not available on the day, you must now provide them free of charge:

1. Content of our insurance claims as requested at document viewing on 16 September 2013:

NH201212589-1
NH201212589-2
NH201212589-3
NH201212589-4

I already have copies of the insurer's payments but I need the owners corporation justification for the claims for defense of Lot 3!?

They were NOT in the Insurance Claims files...

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

2. Full details of the tender for the Strata Manager's contract renewal in 2012 (2013 was confirmed that there was no tender, in spite of the contract being above \$30,000.00 which is in non-compliance with the Strata Schemes Management Act 1996, Section 80B, and Strata Schemes Management Regulation 2010, Regulation 14.

The fact is, this missing tender has been a problem since 2000. We never sought competitive quotes for the contract renewal for caretaker's, your, lift (lift contract since 2005, which was admitted in Mr. John Fry's evidence to CTTT in 2011), electricity (decided by EC at very expensive costs in 2011), and so on. They are all part of the new case at CTTT. I have no intention of letting you know yet how bad it looks for your company and the EC.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

3. Documentary evidence that any other member of the EC viewed or approved proposal by RDE Energy to undertake energy reduction scheme was missing. In the evidence available during my visit it was obvious that only two EC members were involved in decision making.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

4. The final and firm evidence that ThyssenKrupp would decrease its contract value for 2012 and 2013 (as per CPI), reimburse owners corporation for overpayments (which includes the charges for the first quarter at the beginning of the contract in 2010 in amount of \$2,457.00 when owners corporation was supposed not to pay for the quarterly fees, plus the strange invoice to their competitor Liftronics in amount of \$1,800.00 on 28 September 2010, plus the interest as per EC's email on 13 August 2013. Note that full confirmation with full details of the settlement about reimbursements and the interest must happen within 90 days after you lodged the request (14 August 2013), as per the contract Clause 19.2 and 14.1(a).

All figures show herewith are GST exclusive.

You have FOUR DAYS LEFT to settle it in full with ThyssenKrupp and provide me and owners corporation with definite response that includes EXACT figures of the financial settlement for overcharging in 2010, 2011, 2012, 2013, and interest).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

5. Details of the public insurance policies for Lot owner 3 for all years between 2003 and 2012. Plus, the renewal of the insurance due now. Note that you secretly claimed \$24,919.31 (GST exclusive) for "CTTT Defence Lot 3" so far. Of course, owners do not know about it officially and you even hid it in the Cash Book under different accounting codes...

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

6. You provided emails and written correspondence by EC members sent to, or received from, Strata Manager and their staff, for period August 2012 till September 2013.

I asked for period 1 January 2012, so full details are required for period 1 January 2012 to 1 August 2012.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

7. Original contract agreement between Whome and owners corporation. Here is a little secret: I viewed it in your office three years ago when Mr. John Fry was still in the office. Since then, Raine & Horne claims it could not be found. It is your legal duty to act responsibly for all contracts and allegedly "losing them" is not a valid excuse.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

8. All emails and written responses by Solicitor Mr. Adrian Mueller in period between 1 January 2012 and 3 February 2013 (when I originally asked for it). Note that the Solicitor lied about his "privileged" status. At the time when I requested it, Eastmark Holding Pty Ltd v Kabraji (No 3) 2012 NSWSC 1463, the Supreme Court held that the Developer of a large residential building in Berry Street, North Sydney was entitled to inspect legal advice given to the owners corporation of the building concerning litigation in which the developer was involved.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

9. Proxy papers and attendance details at AGM 2013 (you failed to announce it at the meeting, claiming they would be provided later).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

10. Copy of the Land Titles Office amendment ruling that the pergola roofs (and uprights) are common property in our complex (as per EC meeting 20 May 2000 and 14 February 2001).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

11. Copy of the application from owner of Lot 62 and the approval by EC to install double-glaze windows and the Special By-Law (EC meeting on 17 March 1998).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

12. Copy of an application by owner of Lot 213 and the EC approval that all future gas costs were to be met by the owner (EC meeting 17 March 1998).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

13. Full details of the settlement and rebates for legal fees approved by EC for owners of Lot 198 and 218 (EC meeting on 22 March 2000).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

14. Full details for all missing years for water and gas reimbursements since 1999 (year 2000, 2001, 2002, 2005, 2006).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

15. Cashbook and Expenditure summaries for 2005 and 2006 (unserved for THREE YEARS)!

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

16. Private settlement of old water and gas invoices for any townhouse owners in 2012/2013 or earlier.

Note that three owners questioned the old invoices that I know of (plus who knows how many who we do not know about yet as documents are unavailable):

Lot 210 (questioning the gas reimbursement form on 4 September 2010)

Lot 217 (complaining about not knowing about rebates for seven years in 2008)

Lot 201 (complaining about special privileges that "some members of the EC enjoyed from Caretaker's staff" and also old claims that previous Strata Manager failed to let her claim gas usage, as sent to you on 5 July 2013)

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

17. Is any member of EC enjoying any special privileges from Caretaker's staff now or in the past 13 years?

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

18. Response about electricity contract and high costs (in spite of expensive LED replacements in 2012).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

19. Definite proof that townhouse owners rejected to claim for water and gas reimbursements since 1999 (for every owner of the townhouse who did not exercise their "rights" to do so).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

20. Names of authorized signatories.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

21. Proof that the Strata Manager's costs were defined in the contract every year (including clearly defined changes for each cost).

You provided me with the contract from 1999 which was allegedly still valid in February 2013 and that one is very worthless.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

22. Proof that the Strata Agency decreased the costs for the contract in 2012 and 2013 as per private agreement between Mr. Gary Freeman and EC member. See attachment.

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

23. Proof why the Fire Services contract was not tendered, in spite of alleged serious problems with Eagle Fire Protection?

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

24. Official response why Mr. Peter Bone and Mr. Paul Banoob failed to attend CTTT Hearing on 17 October 2012 (as per attachment).

Outcome: Not found in any Folder or in computer search for SP52948 on 17th of October 2013.

Even if I had to pay \$8,800.00 for not being at fault will not stop me from pursuing justice and bringing corrupt people to court. That is what every decent person must do, otherwise, we would all be accomplices to crime. Your losses will be much higher in the end.

This should suffice for now.

You have one week to prepare everything and provide it to me.

SP52948 owner

On Fri, 2013-11-08 at 08:03 +1100, Peter Bone wrote:

>

> Thank you for your e-mail.

> Re your comment

> Through this email I officially (as per today's suggestion
> by the Tribunal member) request that the missing documents
> and files be provided to me within next seven days (by Friday,
> 15 November 2013). For a list of the missing files refer to
> my previous emails (I am not your secretary to remind you of
> what you must do).

> I have received no fewer than 72 e-mails from you since 1st July 2013,
> most of which are two to three pages in length.

> I do not have the time to review these e-mails to determine what
> information you think you need.

> Please advise what documents you are seeking, and I will arrange to
> have these documents made available.

> Regards

> Raine & Horne

> Strata-Sydney

> Level 2, 51 Rawson

> Street Epping NSW 2121

> T: (02) 9868 2999 F:

> (02) 8216 0331

> www.bcms.com.au

> From: SP52948 owner
> Sent: Wednesday, 6 November 2013 7:19 PM
> To: Peter Bone
> Cc: Paul Banoob; EC members
> Subject: SUMMARY: CTTT SCS 13 Directions Hearing on 6 Nov 2013

>
> Please upload this email to Raine & Horne Strata Sydney web site. Today's Directions Hearing at CTTT was very
> valuable and worth summarizing.
>
> 1. Only two people attended from the Respondent's side:
>
> Mr. Peter Bone, Strata Manager
>
> Mr. Moses Levitt, EC member (passive audience, not part of the Hearing)
>
> Nobody else showed up.
>
> 2. The Tribunal member made the following very clear:
>
> * The attempt by the Strata Manager and the EC to summarily dismiss the case without the full
> Hearing due to "vexatious nature" of my claims FAILED.
>
> The Tribunal member made it very clear that she did not have the power to do so, nor
> she believed that such claim could be substantiated in any form. In other words,
> the EC and the Strata Manager finally exhausted the old tricks and rendered it
> useless and invalid.
>
> * The Tribunal member made it very clear that the case SCS 12 WAS PRIMARILY DISMISSED DUE
> TO TOO MUCH EVIDENCE ON MY SIDE!
>
> She advised me (very seriously) to make sure to compose the final document in short and succinct form
> and present it to CTTT and the Strata Manager by or on 4 December 2013 (due to my business travels).
>
> * The Strata Manager and the EC, then, must provide full evidence and responses to me and the
> CTTT by 22 January 2014.
>
> * The formal Hearing will be scheduled for three hours sometime in February or March 2014.
>
> The CTTT's letter will be received tomorrow and it all owners must receive a copy of it.
>
> * For any issue in dispute, if the EC and the Strata Manager fail to provide evidence or disprove me
> in accordance with the SSMA 1996 and Strata Schemes Management Regulation 2010, the case would be
> safely won by me.
>
> * Although the Tribunal member did not allow me to cross-examine any member of the EC and the Strata Managers,
> she was clear that, if any of them attend the formal Hearing next year, I was free to request answers from them
> at that time.
>
> * The Tribunal member also expressed strong belief that the attempt by the EC and the Strata Manager to
> "threaten" me with the legal costs would be very difficult to achieve as the case had strong basis and was certainly
> not trivial or vexatious.
>
> 3. There are four SSMA 1996 Section 108 requests for document viewing which were not fully satisfied
> by the Strata Manager and the EC over the last 12 months.
>
> Through this email I officially (as per today's suggestion by the Tribunal member) request that the
> missing documents and files be provided to me within next seven days (by Friday, 15 November 2013). For
> a list of the missing files refer to my previous emails (I am not your secretary to remind you of
> what you must do).
>
> PS. Why did you destroy/remove the document ID 5304628 (DocDate 30/04/2013) from the web site (a
> corrected/amended version of the six-monthly financials for period September 2012 to March 2013)?
> What an amateurish attempt to remove evidence after the AGM 2013 (I have both copies of the
> financials nevertheless)!