

AGM or EGM 2016 (whichever comes first) Motion Submittal, Lot 158, submitted first time to BCS Strata Management on 19th of February 2016 and resubmitted 10 more times with various updates

In accordance with the Strata Schemes Management Act 1996, Part 2, Division 3, Clause 36, Owner of Lot 158, owner of Lot 158, submits the following Motions for the AGM or EGM 2016.

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 managers or employed staff in SP52948, and has never received financial favors that are non-compliant with the Australian laws. The owner published schedule of actions before AGM 2015 and submitted official candidacy for EC membership, which was ignored by BCS Strata Management and not presented in the agenda.

ItemID	File Date	Plan Numbr	Plan Name / Document	Category	Title		
14353986	18/12/2015 8:34:03 AM	N52948	1-15 FONTENC	Correspondence	General, Mailout record F1111098193		18/12/2015
14350817	17/12/2015 3:37:11 PM	n52948	1-15 FONTENC	Correspondence	Letter - levies - 16/12/2015		17/12/2015
14287180	11/12/2015 8:51:49 AM	N52948	1-15 FONTENC	Correspondence	General, Mailout record F1111089876		11/12/2015
14284230	10/12/2015 3:41:23 PM	n52948	1-15 FONTENC	Correspondence	Letter - Fire Inspection		10/12/2015
14087599	27/11/2015 8:48:02 AM	N52948	1-15 FONTENC	Correspondence	Re: UPDATED OFFICIAL SUBMISSION PER SSMA 1996 Section 108 SP 52948 Docum	26/11/2015 4:32:53	158
14008165	18/11/2015 9:55:16 AM	N52948	1-15 FONTENC	Correspondence	Meeting, Mailout record F1111060598		18/11/2015
13974444	13/11/2015 4:01:42 PM	N52948	1-15 FONTENC	Correspondence	Fwd: UPDATED OFFICIAL SUBMISSION PER SSMA 1996 Section 108 SP52948 Docun	15/09/2015 6:04:48	158
13974443	13/11/2015 4:01:41 PM	N52948	1-15 FONTENC	Correspondence	Re: SP52948 Advance notice to ask me for Motions for AGM 2015	2/10/2015 6:49:09	158
13974442	13/11/2015 4:01:40 PM	N52948	1-15 FONTENC	Correspondence	Re: URGENT UPDATE DFT File 7938059 - BCS Failed to Notify owner of AGM 2015 ar	24/10/2015 4:02:16	158
13974441	13/11/2015 4:01:38 PM	N52948	1-15 FONTENC	Correspondence	Re: SP52948 and BCS Strata Management repeat allegations of poor services provid	25/10/2015 7:27:54	158
13974439	13/11/2015 4:01:35 PM	N52948	1-15 FONTENC	Correspondence	INQUIRY Compliance with Caretaker's Contract and Upholding SP52948 By-Laws	25/10/2015 7:46:29	158
13974438	13/11/2015 4:01:33 PM	N52948	1-15 FONTENC	Correspondence	ADVANCE NOMINATION for SP52948 Executive Committee for	26/10/2015 9:50:36	158
13974436	13/11/2015 4:01:32 PM	N52948	1-15 FONTENC	Correspondence	SUMMARY Police report for harassment and assault by Moses Levitt on 31 October	31/10/2015 11:40:04	158
13069803	22/10/2015 10:08:54 AM	N52948	1-15 FONTENC	Correspondence	Meeting, Mailout record F1111033912		22/10/2015
11722205	29/07/2015 3:15:30 PM	N52948	1-15 FONTENC	Correspondence	Letter- U36 Air Cond		29/07/2015
11717816	29/07/2015 9:56:47 AM	N52948	1-15 FONTENC	Correspondence	Letter- U85 - Air Cond		29/07/2015
11295225	1/07/2015 11:27:48 AM	N52948	1-15 FONTENC	Correspondence	Letter re - Floating Floor Renovations Unit 2		1/07/2015
11280792	29/06/2015 3:57:44 PM	N52948	1-15 FONTENC	Correspondence	Council tree Application REMittance		29/06/2015

<http://www.nswstratasleuth.id.au/SP52948-Owner-Platform-for-EC-Membership-with-Duty-of-Care-Oct2015.pdf>

Outcome of the Annual General Meeting:

- 20 owners (one owns two lots) present in person and 50 via proxy on 19th of October 2016.

50 proxies were registered in the minutes of the meeting, of which 10 should be declared as invalid because owners were present at the meeting in person, which BCS Strata Management failed to disclose in clear terms

DATE, PLACE & TIME OF MEETING:	The Annual General Meeting of The Owners - Strata Plan No. 52948 was held on Wednesday, 19 October 2016 at the Auditorium room, North Ryde Golf Club, Twin Road, North Ryde NSW 2113 . The meeting commenced at 7:38 P.M.
PRESENT:	Lorna Zelunzuk (Lot 3), Karyn Klein (Lot 5), Asmin Shrestha (Lot 42), Yuan Gong (Lot 45), Lingkan Gong & Ye Shi (Lot 82), Awidis Makasian & Marianna Paltikian (Lot 88 and Lot 133), Pradeep Baisani (Lot 90), Sandra Quick (Lot 130), Julie Bonello (Lot 135), Genelle Godbee (Lot 142), Moses & Simcha Levitt (Lot 147), Diedre Niar (Lot 150), Maureen McDonald (Lot 151), John Raymond & Juanity Marshall (Lot 162), Maureen & Peter Friede (Lot 167), Stan & T L Pogorelsky (Lot 181), Hendra Gunawan & Wanda Gee (Lot 183), Kyeok Jin & Kisung Ha (Lot 194), Francois Degros & Ruimin Pan (Lot 211)

Karyn Klein (Lot 5) appoint Lorna Zelunzuk (Lot 3)

Stanley & Tessa Pogorelsky (Lot 181) appoint Moses Levitt (Lot 147)

Lorna & Yugal Zelunzuk (Lot 3) appoint Stan Pogorelsky (Lot 181)

Sandra Quick (Lot 130) appoint Stan Pogorelsky (Lot 181)

Julie Bonello (Lot 135) appoint Stan Pogorelsky (Lot 181)

Genelle Godbee (Lot 142) appoint Stan Pogorelsky (Lot 181)

M Levitt & SZ Levitt (Lot 147) appoint Stan Pogorelsky (Lot 181)

Diedre Niar (Lot 150) appoint Stan Pogorelsky (Lot 181)

Maureen McDonald (Lot 151) appoint Stan Pogorelsky (Lot 181)

Peter & Maureen Friede (Lot 167) appoint Stan Pogorelsky (Lot 181)

3 proxy votes were counted as valid from long-serving EC member who seldom attends meetings, actively supports BCS Strata Management since 2000, actively worked on preventing an owner from access to strata file in spite of paid search as per SSMA 1996 S108 for five years, and received special benefits:

Jeffery & Rebecca Wang (Lot 218) appoint Stan Pogorelsky (Lot 181)

Quay H & J Wang (Lot 33 & 34) appoint Stan Pogorelsky (Lot 181)

APOLOGIES: Jeffrey Wang (Lot 33, 34 & 218)

The owner was given special privileges not to pay legal fees for outstanding levies at the Executive Committee meeting held on 22nd of March 2000 (such special treatment has not been given to any other owner):

ITEM 7	To consider correspondence from the Owners of <u>Lot 103</u> and <u>218</u> regarding outstanding legal fees: Resolved that an offer be made to the proprietors concerned that the outstanding legal fees be reduced by 50%, but that any interest is to be paid in full. The offer is to be made available for a period of 30 days, following which the balance outstanding is to be settled in full.
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The same owner was in arrears with levies and received stern warning by Strata Manager on 20th of October 2014. The amount owing was \$1,450.40. In spite of owner's request to view this payment as per SSMA 1996 S108, BCS refused to provide it. Not only there was no proof that this owner was financial at the time of AGM on 26th of November 2014, but he was again "voted" to continue to serve as member of the Executive Committee.

41 proxies given to EC member (Lot 181) who failed to provide evidence that they paid levies for second gas connection in all years since 2001, actively supports BCS Strata Management since 1999, and actively worked on preventing an owner from access to strata file in spite of paid search as per SSMA 1996 S108 for five years:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Bribing-Members-of-SP52948-Executive-Committee-for-16-Years.pdf>

2 proxies given to EC member who illegally obtained exclusive rights to common property, helps still hide Special By-Law that applies to them from owners and investors for 13 years, actively supports BCS Strata Management since 1999, is non-compliant with the Special By-Law, was involved in four fraudulent insurance claims for owners corporation amounting to \$24,919.31 for non-existent CTTT case allegedly defending them:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Registered-Special-By-Law-for-Ex-Chairperson-Illegally-and-Hiding-it-from-Owners-and-Investors-for-12-Years.pdf>

5 proxies given to EC member who actively supports BCS Strata Management since 1999 and actively worked on preventing an owner from access to strata file in spite of paid search as per SSMA 1996 S108 for five years.

7 proxies were counted as valid from townhouse owners who received reimbursements for personal water and gas usage without Special Resolution or registered By-Law in period before 6th of May 2013, and applied in non-compliance with new Special By-Law since 6th of May 2013, hence directly decreasing their voting entitlements and being unfinancial. In spite of advanced warnings, BCS Strata Management BCS refused to issue invoices for overpayments to townhouse owners in order to make their votes valid at AGM 2016. These secret and undeclared reimbursements were never provided in accounting books even as of December 2016. Most of Motions for AGM 2016 were deliberately excluded from the agenda:

<http://www.nswstratasleuth.id.au/SP52948-AGM-or-EGM-2016-Motions-by-Lot-158-v11-with-proof-of-what-BCS-deliberately-excluded-on-19Oct2016.pdf>

Five requests for document viewing as per SSMA 1996 S108 (including payment) provided no access to financial and other strata documents during 2016.

Owner's candidacy for Executive Committee was silently ignored (several years in a row), and ballot not conducted at the meeting.

- Owner communicated Motions to BCS Strata Management 11 times in period from first submission on 19th of February 2016 and 1st of August 2016:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/>

- In early September 2016, BCS Strata Management secretly engaged Solicitor Adrian Mueller, who already charged more than \$63,000.00 without full disclosure to owners or owners approval so far and even engaged in hiding evidence from NSW Consumer, Trader, and Tenancy Tribunal in 2013:

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-undisclosed-expenses-for-Solicitor-Adrian-Mueller-in-amount-above-63000-dollars.pdf>

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Ignored-Owners-Request-to-Not-Engage-Solicitor-Adrian-Mueller-who-charged-more-than-60000-dollars-from-complex-May2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Ran-Timewarped-EC-Meeting-to-Hinder-CTTT-Investigations-19Apr2013.pdf>

		1 st Floor 240 Princes Highway Arncliffe NSW 2205 Australia DX 25915 Rockdale T: 02 9562 1266 F: 02 9567 8551 www.muellers.com.au	
The Secretary The Owner - Strata Plan No. 52948 c/- Body Corporate Services Level 2, 51 Rawson Street EPPING NSW 2121		Date: 5 September 2016 Reference: 29294 Invoice #: 78428 Solicitor: AM	
Memorandum of Fees – Tax Invoice ABN 44 031 127 339			
RE: Advice on Motions Submitted by _____			
PROFESSIONAL COSTS			
Description		Total	
To our costs of reviewing a 50 page document submitted by Mr requesting inclusion of material in agenda for next general meeting and provide you with advice on that document:		\$1,000.00	
GST:		\$100.00	
Total amount due and owing:		<u>\$1,100.00</u>	
With compliments  <u>J.S. MUELLER & CO</u> E. & O.E.			

- In 2013, large group of owners requested that Solicitor Mr. Adrian Mueller not be engaged and asked for resolution of all problems at private mediation within the complex. This request was ignored by BCS Strata Management and EC members:

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Ignored-Owners-Request-to-Not-Engage-Solicitor-Adrian-Mueller-who-charged-more-than-60000-dollars-from-complex-May2013.pdf>

In case 4366_2 against Mr. Mueller professional misconduct, the Office of the Legal Services Commissioner stated the following, amongst the other things:

On 5 March 2012, the strata manager instructed Mr Mueller to proceed with the work proposed in relation to the lesser estimate.

I acknowledge that the 'Fee Proposal' does not fully comply with the costs disclosure requirements set out in section 309 of the Legal Profession Act 2004 (LPA). I do not believe, however, that this would warrant a finding of unsatisfactory professional conduct or professional misconduct were I to initiate proceedings against Mr Mueller in the Legal Services Division of the Administrative Decisions Tribunal (Tribunal).

I will remind Mr Mueller of his costs disclosure obligations in this respect, but do not intend to take further action.

- In spite of repeated request to BCS Strata Management staff and Directors, current Strata Manager Simon Brikha (seventh strata manager for strata plan SP52948 from BCS in period 2010 to 2016) ignored to update the agenda for the meeting.
- Executive Committee members who had three secret meetings with BCS Strata Management in September/October 2016 period before the Annual General Meeting (without agenda and minutes of the meetings ever disclosed to owners, in non-compliance with Strata Laws):

EXECUTIVE COMMITTEE:

7.1 That written and oral nominations be received at this meeting for election to the Executive Committee.

Nomination:	Lot No	Nominated by:	Lot No
	202	M Levitt	147
M Levitt	147	S Pogorelsky	181
S Pogorelsky	181	M Levitt	147
C Montoya	112	M Levitt	147
M McDoanld	151	M Levitt	147
S Quick	130	M Levitt	147
L Zelunzuk	3	S Pogorelsky	181
	133	S Pogorelsky	181
J Wang	33, 34, 218	C Montoya	112

CARRIED

In addition, BCS Strata Management charged \$935.00 (GST inclusive) for their attendance at the meetings, without disclosure to owners:

<http://www.nswstratasleuth.id.au/BCS17525668-BCS-Strata-Management-charges-for-three-EC-meetings-without-diclosure-agenda-and-minutes-19Oct2016.pdf>

- The third tender for strata management contract, submitted by Ryan Strata as early as May 2016, was disallowed by BCS Strata Management and EC members:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-UPDATE-ADVANCE-NOTICE-on-14May2016-SP52948-Caretaker-and-Strata-Manager-Tenders-in-late-2016.html>

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-Second-Tender-for-Strata-Management-Contract-New-Strata-Laws-and-Weak-Offer-to-talk-with-EC-on-28Aug2016.html>

Just in FY 2015/2016 (ended on 31st of August 2016), BCS Strata Management charged over \$50,000:

SP52948 - Financial Year from 1 September 2015 to 31 August 2016

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Date Presented
1	MANAGING AGENT	10278301	26/08/2016	\$4,401.06	26/08/2016	
1	MANAGING AGENT	10214652	29/07/2016	\$4,655.73	29/07/2016	29/07/2016
1	MANAGING AGENT	10146698	28/06/2016	\$4,169.47	28/06/2016	28/06/2016
1	MANAGING AGENT	10076688	28/05/2016	\$4,201.37	30/05/2016	30/05/2016
1	MANAGING AGENT	10009296	28/04/2016	\$4,517.47	28/04/2016	28/04/2016
1	MANAGING AGENT	9948384	1/04/2016	\$4,168.37	01/04/2016	01/04/2016
1	MANAGING AGENT	9874224	26/02/2016	\$4,176.18	26/02/2016	26/02/2016
1	MANAGING AGENT	9806161	29/01/2016	\$4,328.26	29/01/2016	29/01/2016
1	MANAGING AGENT	9743909	22/12/2015	\$4,008.76	22/12/2015	22/12/2015
1	MANAGING AGENT	9677273	20/11/2015	\$3,913.70	20/11/2015	20/11/2015
1	MANAGING AGENT	11056749	12/11/2015	\$272.25	16/11/2015	16/11/2015
1	MANAGING AGENT	9619217	27/10/2015	\$4,183.70	29/10/2015	29/10/2015
1	MANAGING AGENT	9540303	25/09/2015	\$3,703.70	25/09/2015	25/09/2015
Total FY 2015/2016				\$50,700.02		

Ryan Strata had most favorable offer for the management of the complex:

We are offering you two different fee options,

An all-inclusive fixed price \$32,500.00 which includes all disbursements (i.e. printing, postage, correspondence, meetings, administration, site visits, monthly financials and archive storage) with minimum disbursements for a small number of at cost items such as fire certificates. This all-inclusive price provides a clear estimate of what you will be paying for the year, eliminating surprise charges;

Or;

A lower base rate of \$25,000.00 with a schedule of reasonably priced disbursements.

Your current strata management agreement is for a base fee of \$37,500.00 plus disbursements. Their additional fees are also much higher. For example;

- Our hourly rates for a strata manager are \$100.00 whereas BCS charge \$165.00-\$275.00 depending on whether it is inside work hours;
- Additionally, they charge this hourly rate for all meetings, whereas your AGM and 3 ECMs are included in our fee, and any additional meetings are a flat fee of \$100.00;
- We charge a set fee of \$10.00 to supply a certificate of currency, whereas BCS charge \$33.00;

The basis of the refusal to allow Ryan Strata to bid for the contract was allegedly due to Mr. Stan Pogorelsky (on behalf of EC) stating that it was a new company and the complex could not risk it. Mr. Stan Pogorelsky, however, forgot to mention that he and EC happily voted for contract worth close to \$290,000.00 per year at AGM on 26th of November 2014 to company that was only registered for business several months earlier and without ANY evidence of tender:

MOTION 6: That in accordance with Section 40A of the Act, Uniqueco Pty Ltd is appointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$289,000**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services. – **Carried.**

Company Summary

Name: UNIQUECO PTY LTD

ACN: 169 421 194

ABN: 44 169 421 194

Registration Date: 07/05/2014

Next Review Date: 07/05/2015

Status: Registered

Type: Australian Proprietary Company, Limited By Shares

Locality of Registered Office: DRUMMOYNE NSW 2047

Regulator: Australian Securities & Investments Commission

- Like at AGM 2014, 2015, BCS Strata Management and EC members prevented another owner from submitting candidacy for the committee:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-ADVANCE-NOMINATION-for-SP52948-Executive-Committee-from-Owner-that-was-not-published-in-General-Meeting-Agenda-for-AGM-2015.html>

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-SP52948-Proxy-form-from-Lot-158-and-summary-of-non-compliance-actions-by-BCS-Strata-Management-on-11Oct2016.html>

- **BCS Strata Management found new method for insurance renewal for the complex and avoid repaying commissions. Pica Group (parent company of BCS Strata Management) is involved in the scheme. This was sent to owners in the agenda for AGM 2016 on page 21 (of 62 pages in total):**

Commission Received by BCS Strata Management Pty Ltd: \$ 1950.00

The agent's parent company, Prudential Investment Company of Australia Pty Ltd ACN 004 266 817 (PICA) has entered into an agreement with QBE Insurance (Australia) Limited ACN 003 191 035 and Willis Australia Limited ACN 000 321 237 in relation to the provision of insurance policies under the CommunitySure brand to parties which include owners corporations/ bodies corporate. PICA is entitled to receive fees calculated by reference to the aggregate amount of all premiums payable for CommunitySure insurance policies including any such policy/s contracted by the owners corporation/ body corporate.

Angry emails in 2014 and 2015 from an EC member show that commissions and rebates should be given back to owners corporation:

Sent: Thursday, 27 August 2015 9:11 PM
 To: Gary Mills
 Cc: Billy Cheung
 Subject: FW: Rebate of insurance commission

Gary

Please ensure last year's insurance commission of \$1700 is rebated to our insurance costs before 31st August 2015.

Regards

From:
 Sent: Friday, November 07, 2014 11:38 AM
 To: Russell Young <Russell.Young@bcssm.com.au>
 Cc: John Ward <JWARD@doh.health.nsw.gov.au>
 Subject: Rebate of insurance commission

Russell,

I note that the draft AGM notice discloses that BCS received a commission for placing our insurance in the last year. Please arrange to have this credited to the Owners Corporation Insurance expense account immediately. It is a feature of our current management agreement that no commissions are payable as we increased the fees to accommodate this.

I am disappointed that we should discover that a commission has been received as the management representation letter and accounts did not disclose this.

The amount is \$1,700.00.

Please confirm that this will be attended to before issue of AGM notices as this is a very sore point with many owners and I will require to explain that the recovery will happen in the present financial year.

Owners were never given copies of the Strata Management contract, signed on 4th of December 2014, which also lists this:

- 3.4 If *item 6* is marked "Yes", the *agent* may retain rebates, discounts and commissions paid to it by the providers of goods and *services* to the *owners corporation* described in the *disclosure schedule C1* or as otherwise notified in writing to the *owners corporation* from time to time and agreed in writing by the *owners corporation*.
- 3.5 If *item 6* is marked "No", the *agent* must pay to the *owners corporation* any rebates, discounts and commissions paid to it by providers of goods and *services* to the *owners corporation* within 30 days of the receipt, however any rebates, discounts and commissions described in the *disclosure schedule C2* may be retained by the *agent*.

Schedule C – Disclosure schedule

Schedule C1 – refer to clause 3.4 of the agreement – The following providers pay a rebate, discount or commission to the *agent*:

Name of Company/person	Amount/percentage of rebate, discount or commission	Other information relating to the disclosure
CHU Underwriting Agencies Pty Ltd,	Up to 20% of base premium	Also shown on scheme's AGM notice paper
Body Corporate Brokers	Up to 20% of base premium	Also shown on scheme's AGM notice paper
Strata Unit Underwriters. (SUU).	Up to 20% of base premium	Also shown on scheme's AGM notice paper
Austbrokers Sydney Pty Ltd,	Up to 20% of base premium	Also shown on scheme's AGM notice paper
Indemnity Corporation Pty Limited	Up to 20% of base premium	Also shown on scheme's AGM notice paper
AON Risk Services Australia Limited	Up to 20% of base premium	Also shown on scheme's AGM notice paper

The Agent is an authorised representative of CHU Underwriting Agencies Pty Ltd, Body Corporate Brokers and Austbrokers Sydney Pty Ltd. The Agent is an insurance distributor with the remaining companies listed in the table above.

The Agent is qualified to give general advice and information about insurance, not personal advice. If the Owners Corporation requires specialist insurance advice the Agent can refer the Owners Corporation to an insurance advisor. If the Agent recommends that your building insurance should be placed with the Insurers, the owners corporation acknowledges and agrees that the recommendation is general advice (not personal advice). The owners corporation should read the Product Disclosure Statement before making a decision to purchase that insurance.

- **Member of the Executive Committee (Lot 218, Mr. J. Wang)) who fails to attend meetings more than 92% of time, was given special privileges not to pay legal fees for outstanding levies at the Executive Committee meeting held on 22nd of March 2000 (such special treatment has not been given to any other owner):**

ITEM 7

To consider correspondence from the Owners of Lot 103 and 218 regarding outstanding legal fees:

Resolved that an offer be made to the proprietors concerned that the outstanding legal fees be reduced by 50%, but that any interest is to be paid in full.

The offer is to be made available for a period of 30 days, following which the balance outstanding is to be settled in full.

The same owner was in arrears with levies and received stern warning by Strata Manager on 20th of October 2014. The amount owing was \$1,450.40. In spite of owner's request to view this payment as per SSMA 1996 S108, BCS refused to provide it. Not only there was no proof that this owner was financial at the time of AGM on 26th of November 2014, but he was again "voted" to continue to serve as member of the Executive Committee.

- At adjourned General Meeting held on 24th of January 2003, ex-Chairperson of the EC (Lot 3, Mrs. Lorna Zelenzuk) obtained exclusive rights to common property through falsified count of proxy votes. For the last 13 years, this owner is non-compliant with the Special By-Law but BCS Strata Management is not willing to enforce it.

The Special By-Law 4 was registered with the LPI on 24th of July 2003 but never disclosed to owners or potential investors. BCS does not have this by-law listed in any documents of the strata plan. LPI advised to notify police about it, and it was done in first quarter of 2015.

Req:R331500 /Doc:DL 9208711 /Rev:24-Jul-2003 /Sts:SC.OK /Prt:23-Jan-2012 16:52 /Pgs:ALL /Seq:2 of 3
 Ref:12/P0020 /Enc:E

Annexure A to Change of By-Laws


Parties:-

THE OWNERS STRATA PLAN NO. 52948
 Dated

"4. The Owner for the time being of lot 3 shall be entitled to a special privilege in respect of a common property window dividing the lounge room and the courtyard of the lot for the purpose of removing that section to permit the installation of a sliding door on the following terms and conditions:-

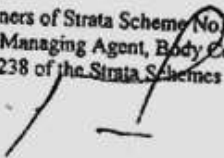

- The owner of lot 3 shall at its sole expense carry out such works and shall be responsible for all future maintenance costs.
- The work must be undertaken in a proper and workmanlike manner by a suitably qualified tradesperson.
- The owner of lot 3 must obtain any required approvals from Ryde City Council.
- The owner of lot 3 shall indemnify, and keep indemnified, the Owners Corporation in respect of all claims, action, costs and expenses whether for injury to persons, or damage to property, arising in any way out of the carrying out of the works and future maintenance and the owner shall at all times keep in effect a public risk insurance policy in a sum of not less than \$5,000,000 to cover the owners obligations hereunder.
- If the owner defaults in the performance of any term or condition on this By-Law and such default continues for a period of fourteen (14) days after notice thereof is given to him by the Secretary of the Owners Corporation in writing, then the rights and privileges conferred by this By-Law may thereafter be terminated by an Ordinary Resolution of the Executive Committee of the Owners Corporation.
- The rights and privileges conferred by this By-Law shall be terminated automatically in the event of the Strata Scheme being varied or terminated pursuant to Sections 50,51 or 51A of the Strata Schemes (Freehold Development Act) 1973 as amended.
- The owner shall reimburse the Owners Corporation on demand for all legal and other costs reasonably incurred in the preparation and registration of this By-Law and in respect of any steps taken by the Owners Corporation to terminate this By-Law under paragraph (g) above."

Certified correct for the purposes of the Real Property Act 1900 by the Corporation named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signature(s) appear(s) below:



Corporation: The Owners of Strata Scheme No. 52948
 by their Managing Agent, Body Corporate Management Services Pty. Ltd.

Authority: Section 238 of the Strata Schemes Management Act, 1966

Signature of authorised person:		Signature of authorised person:	
Name of authorised person:	WILLIAM JOHN FRY	Name of authorised person:	Ian Roberts
Office held:	MANAGING AGENT	Office held:	Director

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In addition, owners corporation claimed \$24,919.31 through premeditated falsified insurance claims for non-existent CTTT case allegedly defending the owner for whom the Special By-Law applied!

More details are at:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Registered-Special-By-Law-for-Ex-Chairperson-Illegally-and-Hiding-it-from-Owners-and-Investors-for-12-Years.pdf>

<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-BCS-Strata-Management-Ran-Timewarped-EC-Meeting-to-Hinder-CTTT-Investigations-19Apr2013.pdf>

The same owner also enjoyed long-term unrestricted parking car on common property at all times, and as such occupied common property permanently.



These are the only By-Laws that EC and BCS Strata Management provide to owners and investors:

ItemId	PlanNo	PlanNameAdd	Category	Title	DocDate
12180836	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AJ115299A	7/09/2015
12180952	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AH775788Y	7/09/2015
12181004	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AH775788Y	7/09/2015
12181025	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AH6938A	7/09/2015
12181046	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	STANDARD BYLAWS	7/09/2015
12181059	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	STANDARD BYLAWS	7/09/2015
9681097	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	Special By-Law 13 AMENDMENT	6/01/2015
6092727	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	Special By-Laws 11, 12 & 13	11/09/2013
3902970	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	New Bylaw 10.03.2012 - By-law 10	12/07/2012
2541110	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	MACQUARIE GARDENS regsitered by laws 1 - SBL9	10/10/2011

Goto Page Page 1 of 1

<http://www.nswstratasleuth.id.au/SP52948-By-Laws/>

- Member of the EC (Lot 181, Mr. Stan Pogorelsky) failed to be invoiced for second gas connection in the unit and only reimbursed owners corporation for a few out of 16 years. Since year 2000, it was well-known that he has a separate gas connection for heating in his unit:

(B) GAS HEATING - UNIT 181

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

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

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

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

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

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Issues-to-be-dealt-with-at-next-EC-Meeting-public-version-Oct2015.pdf>

- Repeated warnings to EC members and BCS Strata Management were ignored, namely these BCS Staff:

BCS Strata Management NSW State Manager (COO)
BCS Strata Branch Manager Epping Office
Seventh BCS Strata Manager for SP52948 in six years
BCS Strata Management Assistant

Mr. Greg Freeman
Mr. Mike Smythe
Mr. Simon Brikha
Ms. Linda Leong

http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-Re_SP52948-AGM-Agenda-19.10.2016-first-comments-on-4Oct2016-with-evidence-of-deliberately-excluded-motions-update-7Oct2016.html

- At AGM 2016, without ballot, the following members of the Executive Committee were “elected” without opposition:

14. EXECUTIVE COMMITTEE:

- 14.1 Resolved that written and oral nominations be received at this meeting for election to the Executive Committee.

Nomination:	Lot No	Nominated by:	Lot No
Lorna Zelunzuk	3	Self nominated	
Marianna Paltikian	88	Self nominated	
Carlos Fornieles Montoya	112	Self nominated	
Sandra Quick	130	Self nominated	
Genelle Godbee	142	Self nominated	
Moses Levitt	147	Self nominated	
Maureen McDonald	151	Self nominated	
Stan Pogorelsky	181	Self nominated	
Jeffery Wang	218	Self nominated	

- 14.2 Resolved that candidates for election to the Executive Committee disclose any “connections” with the original owner (developer) or caretaker in accordance with the Act.

- 14.3 Resolved that the number of members of the Executive Committee be determined as **9**.

- 14.4 Resolved that the following be elected members of the Executive Committee.

Lorna Zelunzuk (Lot 3), Marianna Paltikian (Lot 88), Carlos Fornieles Montoya (Lot 112), Sandra Quick (Lot 130), Genelle Godbee (Lot 142), Moses Levitt (Lot 147), Maureen McDonald (Lot 151), Stan Pogorelsky (Lot 181), Jeffery Wang (Lot 218)

57 voted Yes, 1 voted No, 2 voted Abstain

- Only 19 owners (one owning two lots, out of 218 Lots) attended Annual General Meeting in person. Of them, seven were current or recent members of the Executive Committee. **It was predicted that EC members would protect BCS Strata Management from any liabilities and penalties, as they did at rushed Extraordinary General Meeting in December 2013:**

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Management-Illegal-Ratification-Process-at-Rushed-Extraordinary-General-Meeting-Dec2013.pdf>

Strata Manager, Mr. Peter Bone, with full support of the Executive Committee, illegally prevented an owner from attending the EGM in person because of serious evidence against BCS Strata Management and the EC they intended to present.

The meeting was non-compliant with SSMA 1996, in spite of Strata Manager declaring it to be valid:

QUORUM: A number of Lot owners present at the meeting own, and thus represented, more than one Lot. Owners present represented 18 Lots. Of these 18 Lots, owners representing 8 of these Lots had also submitted Proxies prior to the start of the meeting. Of the 10 owners present and representing themselves, 8 were financial and therefore entitled to vote. Thus the quorum for this meeting comprised: Owners of 8 Lots representing themselves; and Proxies representing 45 Lots; being a total of 53 Lots represented either in person or by proxy. The quorum required was determined as 48 Lots after allowing for those Lots not fully paid. A quorum was therefore formed.

Reasons why it was invalid are:

16 owners present in person and 43 via proxy on 4th of December 2013.

Of 43 proxies, 41 were given to single EC member, who, along with a selective group of 18 (out of 26) townhouse owners (including two other members of the Executive Committee) received reimbursements for personal water and gas usage without Special Resolution or registered By-Law for 14 years in period before 6th of May 2013 (Special By-Law 13 was registered on 6th of May 2013, as “approved” at AGM seven months earlier on 22nd of October 2013), and applied in non-compliance with new Special By-Law since 6th of May 2013.

13 current and previous members of the Executive Committee orchestrated the meeting outcome, without proper agenda and preparation:

MINUTES OF THE EXTRAORDINARY GENERAL MEETING OF STRATA SCHEME NO. 52948, 1-15 FONTENOY ROAD MACQUARIE PARK, HELD IN MEDINA APARTMENTS, 1-12 BUSACO ROAD MARSFIELD ON WEDNESDAY 4TH DECEMBER 2013 AT 7.00PM.

PRESENT: Y Zelunzuk, J Ward, S Quick, G Godbee,
S Luxmoore, M Levitt, M McDonald, S & T Pogorelsky,

PROXIES:

R & N Gonsalves proxy to	Y & L Zelunzuk proxy to
D Murden proxy to the Chairperson	K Klein proxy to
E Saulits proxy to the Chairperson	V Nabb proxy to the Chairperson
T Karolewski proxy to S Pogorelsky	J & Q Wang proxy to the Chairperson
P Ng proxy to the Chairperson	J Ward proxy to
A Green proxy to J Ward	U & M Aranwela prxy to the Chairperson
S & S Blechman proxy to	G & N Cohen proxy to
L Cheng proxy to the Chairperson	M Houshmandi proxy to the Chairperson
P Gibbons proxy to the Chairperson	J Cohen proxy to the Chairperson
M & M Brincat-Lisano proxy to the Chairperson	S Quick proxy to
A Shahabi-Sirjani proxy to the Chairperson	T Kemsley proxy to the Chairperson
T & S Kemsley proxy to the Chairperson	D Niar proxy to the Chairperson
M & S Levitt proxy to	B Slon proxy to
M McDonald proxy to the Chairperson	H Poulos proxy to the Chairperson
R & K Desai proxy to the Chairperson	P & M Friede proxy to
P Keating & K Narayan proxy to	S & T Pogorelsky proxy to
R & S Hamilton proxy to	M Diacono proxy to the Chairperson
S Au & J Lee proxy to the Chairperson	S Hwang proxy to the Chairperson
J & E Gore proxy to the Chairperson	R Brown proxy to the Chairperson
A Lee proxy to the Chairperson	C Perera proxy to
J Lee & H Rong proxy to the Chairperson	J Young proxy to the Chairperson
W & Q Wang proxy to the Chairperson	

Due to non-existent By-Law and Special Resolution, an EC member and number of townhouse owners were UNFINANCIAL to vote at EGM 2013 (and for many years beforehand). Their voting entitlements had to be decreased, but that also required Special Resolution and approved Form 11 by LPI, or through order by CTTT (now NCAT). None of these happened.

These secret and undeclared reimbursements were never provided in accounting books even as late as February 2016.

Agenda was rushed without full-disclosure (or any) documentation. Massive financial mismanagement, undisclosed private benefits to selective owners (especially EC members), non-compliance with Strata Management Acts and other state and federal laws, and lack of proper complex maintenance, were never mentioned in any files for owners.

One owner was prevented from attending the meeting without any legal ground.

BCS Strata Management prevented access to documents as per SSMA 1996 S108 before the AGM:

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-17Oct2013.pdf>

BCS Strata Management prevented repeated request for access to documents as per SSMA 1996 S108 after the AGM but before EGM, even though the evidence was required for CTTT case as well:

<http://www.nswstratasleuth.id.au/SP52948-Document-Viewing-SSMA-1996-S108-Peter-Bone-refused-access-to-files-for-CTTT-and-general-meeting-8Nov2013.pdf>

Outcome: Meeting was non-compliant with SSMA 1996 Schedule 2 Section 12 2 (a) and (b), SSMA 1996 Schedule 2 Section 10 (8), SSMA 1996 Section 183.

More details about lack of quorum for general meeting for 14 years, as orchestrated by Raine and Horne Strata Sydney (BCS Strata Management since 2010) is provided here:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management--Running-General-Meetings-without-Quorum-for-14-years.pdf>

The Motions at EGM on 4th of December 2013, without giving owners any details, approved the following actions of BCS Strata Management for 14 years of mismanagement. The meeting lasted exactly one hour, and in that period, allegedly a discussion was carried about extending the Motions to include significant details, as provided by two members of the Executive Committee. The extended Motions were not put in the original agenda:

- | | |
|------|--|
| No.4 | That the Owners Corporation records its satisfaction with the current state of repair of, and general and recurring maintenance of all common property. |
| No.5 | That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting. |
| No.6 | That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting. |

MINUTES OF THE EXTRAORDINARY GENERAL MEETING OF STRATA SCHEME NO. 52948, 1-15 FONTENOY ROAD MACQUARIE PARK, HELD IN MEDINA APARTMENTS, 1-12 BUSACO ROAD MARSFIELD ON WEDNESDAY 4TH DECEMBER 2013 AT 7.00PM.

MOTION 3: That the Owners Corporation records its current satisfaction with the level of Sinking Fund Reserves and the prudent and cautious application of such funds to large scale maintenance projects.

Carried. (1 vote NO and 1 abstain)

MOTION 4: That the Owners Corporation records its satisfaction with the current state of repair of, and general and recurring maintenance of all common property.

Carried. (2 abstain)

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

M Levitt moved that Motion 5 be amended to read:

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

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

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

Resolved that the proposed amendment to Motion 5 be approved.

Resolved that Motion 5, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

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

S Pogorelsky moved that Motion 6 be amended to read:

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

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

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

Resolved that the proposed amendment to Motion 6 be approved.

Resolved that Motion 6, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

- **BCS Strata Management continued to hide financial and other strata documents, in spite of SSMA 1996 S108 obligations:**

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-18Dec2015.pdf>

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-17Nov2014.pdf>

<http://www.nswstratasleuth.id.au/SP52948-Document-Viewing-SSMA-1996-S108-Peter-Bone-refused-access-to-files-for-CTTT-and-general-meeting-8Nov2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-17Oct2013.pdf>

<http://www.nswstratasleuth.id.au/SP52948-SSMA1996-S108-Document-Viewing-Undisclosed-Files-BCS-Strata-Management-Nov2012.pdf>

- **BCS Strata Management again failed to sign or even comment about Declaration of Conflict of Interest before AGM 2016:**

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-SP52948-Proxy-form-from-Lot-158-and-summary-of-non-compliance-actions-by-BCS-Strata-Management-on-11Oct2016.html>

BCS failed to disclose payments to members of the Executive Committee. For example:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Date Presented
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

Identical outcome was exhibited by BCS Strata Management before AGM 2014:

<http://www.nswstratasleuth.id.au/SP52948-BCS-Strata-Manager-Tender-Declaration-AGM2014.pdf>

- **BCS Strata Management continued to reimburse selective townhouse owners for their private water and gas usage in inequitable manner, and failed to disclose it in any financial statement for 16 years. This is summary for FY 2016 (only 14 out of 26 owners received these inequitable benefits, without legal approval for change in entitlements that affect their voting rights):**

Lot	Lot Entitlement	Reimbursements to Townhouse Owner for Water and Gas Usage	Comment
194	52	\$1,135.19	Unfinancial for AGM 2016
195	49	\$0.00	Received no reimbursements
196	49	\$101.50	Unfinancial for AGM 2016
197	49	\$990.99	Unfinancial for AGM 2016
198	52	\$1,158.73	Unfinancial for AGM 2016
199	56	\$724.38	Unfinancial for AGM 2016
200	54	\$614.56	Unfinancial for AGM 2016
201	55	\$646.07	Unfinancial for AGM 2016
202	55	\$547.05	Unfinancial for AGM 2016
203	55	\$0.00	Received no reimbursements
204	55	\$0.00	Received no reimbursements
205	58	\$874.24	Unfinancial for AGM 2016
206	58	\$808.50	Unfinancial for AGM 2016
207	55	\$0.00	Received no reimbursements
208	50	\$0.00	Received no reimbursements
209	55	\$254.90	Unfinancial for AGM 2016
210	55	\$494.35	Unfinancial for AGM 2016
211	60	\$0.00	Received no reimbursements
212	57	\$0.00	Received no reimbursements
213	54	\$931.91	Unfinancial for AGM 2016
214	54	\$0.00	Received no reimbursements
215	54	\$0.00	Received no reimbursements
216	54	\$0.00	Received no reimbursements
217	54	\$1,336.61	Unfinancial for AGM 2016
218	54	\$0.00	Received no reimbursements
219	54	\$0.00	Received no reimbursements

Details for years that some access to financial documents was obtained show the pattern of financial abuse of common funds:

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-Illegal-and-Inequitable-Gas-and-Water-Reimbursements-for-Townhouses-1997-to-2016.pdf>

- **AGM 2016 was attended by two BCS staff and they have full responsibility for the preparation and conduct of the meeting:**

CHAIRPERSON:	Mike Smythe representing BCS Strata Management - Epping
SECRETARY:	Simon Brikha representing BCS Strata Management - Epping

That meeting did not meet professional standards confirms the following note in the minutes:

Please Note:

Marianna Paltikian (Lot 88 & 133) asked the chairman why he was rushing through the motions. MP and other owners wanted a discussion regarding each of the motions requested by Lot 158. Hendra Gee (Lot 183) wanted to know why no approach was made to reconcile with the owner of Lot 158. Stan Pogorelsky responded to this question that an attempt was made by sending an email to which the owner was invited to a meeting in order to discuss his grievances. No response was received at this stage and a call was made to ask if he was coming to the arranged meeting and the telephone was put down on the caller. A few days later an email was received rejecting our offer.

In addition, statement by Stan Pogorelsky was misleading, false, and designed to protect himself, BCS Strata Management and EC members (details within this document).

- At the end of the Annual General Meeting, quick Executive Committee meeting was allegedly held:

MINUTES OF AN EXECUTIVE COMMITTEE MEETING	
THE OWNERS – STRATA PLAN NO. 52948	
ADDRESS OF THE STRATA SCHEME: 1-15 FONTENOY ROAD MACQUARIE PARK NSW 2113	
DATE, PLACE & TIME OF MEETING:	The Executive Committee of The Owners - Strata Plan No. 52948 held a meeting on Wednesday, 19 October 2016 at The Auditorium Room, North Ryde Golf Club, Twin Road, NORTH RYDE NSW 2113 . The meeting commenced immediately after the Annual General Meeting at 10.10pm.
PRESENT:	Lorna Zelunzuk (Lot 3), Marianna Paltikian (Lot 88), Sandra Quick (Lot 130), Genelle Godbee (Lot 142), Moses Levitt (Lot 147) Maureen McDonald (Lot 151), Stan Pogorelsky (Lot 181)
IN ATTENDANCE:	Hendra Gee (Lot 183) and Simon Brikha representing BCS Strata Management – Epping
APOLOGIES:	Jeffery Wang (Lot 218) Carlos Fornieles Montoya (Lot 112)
CHAIRPERSON:	Stan Pogorelsky
SECRETARY:	Stan Pogorelsky
1. MINUTES:	
1.1	Resolved that the minutes of the last Executive Committee meeting, held on Wednesday, 20 April 2016 , be confirmed as a true record and account of the proceedings at that meeting.

The meeting on 20th of April 2016, attended by a single member of the EC and BCS Strata Management (who sold their property left complex in June 2016) was non-compliant with SSMA 1996. Strata Manager and EC members were asked to provide proof that owners received agenda for the meeting and provide evidence that the meeting was legally convened. BCS Strata Management, failed to respond:

<http://www.nswstratasleuth.id.au/Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan-52948/Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-Illegal-EC-meeting-on-20Apr2016-and-UPDATED-SUBMISSION-SP52948-Motions-for-AGM-or-EGM-2016-14May2016.html>

- It is up to public to draw conclusions why Executive Committee members (through mostly dormant proxy votes, and deliberately failing to disclose crucial information) approved 6.1% increase in levies, whilst preventing reimbursements from BCS Strata Management for professional misconduct and lack of performance in managing the complex:

PROPOSED LEVIES FOR NEXT FOUR QUARTERS

The Executive Committee ("EC") proposes for this new financial year (F2017) to increase levies by 6.1% in order to build the Sinking Fund faster after the painting and rendering works are completed next year and a small increase in the Administration Fund.

Table 1

Change to Levies for 1 Nov 2016 to 31 Oct 2017				
	F2017	Change		F2016
Admin Fund Levies	790,000.00	20,000	2.6%	770,000.00
Sinking Fund Levies	250,000.00	40,000	19.0%	210,000.00
Total excluding GST	1,040,000.00	60,000	6.1%	980,000.00

These levies are subject to approval by owners at the AGM.

- Undisclosed details of additional charges for Lots, including those with second gas connection do not have any details why they are so different (if they are in arrears than it means those owners were not financial to vote at previous meetings!) and why two members of the EC paid least amount:

RECEIPTS TO 08/2016				
			Manager: SIMON BRIKHA	
			Last Receipt: 31/08/2016	
OWNER NAME	DEBTOR ID.	ACCOUNT DETAILS	AMOUNT	TOTAL
F CHOW	463346	GAS CHARGES	110.00	110.00
P WONG	463406	GAS CHARGES	220.00	220.00
Y PARK & H KIM	463408	GAS CHARGES	330.00	330.00
CAROL GEDDES	463409	Additional Lot Charges +GST	330.00	330.00
H BOUNNI	463411	GAS CHARGES	110.00	110.00
P & M FRIEDE	463412	GAS CHARGES	110.00	110.00
A PARK & J LEE	463413	GAS CHARGES	110.00	110.00
MR & MRS S POGORELSKY	476854	Additional Lot Charges +GST	36.66	36.66
Y & L ZELUNZUK	476855	Additional Lot Charges +GST	55.00	55.00
			TOTAL NOT YET DUE(*) :	0.00
			TOTAL IN ARREARS :	1,411.66
			TOTAL IN ADVANCE :	0.00
			TOTAL NET :	1,411.66

Mr. Pogorelsky was proven to have failed to comply with original EC's design for additional gas charges and failed to respond to official enquiry to an email to EC members and BCS (unanswered since 8th of June 2015). The message had title:

REQUEST For Proof of Second Gas Connection Payments of Levies for Previous Years by Stan Pogorelsky

(B) GAS HEATING - UNIT 181

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

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

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

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

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

Minutes of EC meeting held on 21st of July 1999 introducing charges for additional gas connections in Lots:

MINUTES OF EXECUTIVE COMMITTEE MEETING OF STRATA SCHEME NO. 52948, 1-15 FONTENOY ROAD, NORTH RYDE HELD IN RYDE COUNCIL, COMMUNITY CENTRE, TRFALGAR PLACE, NORTH RYDE ON WEDNESDAY 21 JULY 1999 AT 7.00PM.

ITEM 1

PRESENT

J Crompton (Chairperson), M McDonald, K Jones, J Edey and G Raichman.

RESIGNATION

It was noted that V Bouch has indicated he has resigned from the Committee and will shortly provide written notification.

IN ATTENDANCE

J Fry from Raine & Horne Strata-Sydney.

13. Gas heating in units

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

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

Example of how gas levies were applied in 2009:

23/10/2009	Receipt: 495	Lot 147: Lot 147	Gas usage	55.00
26/10/2009	Receipt: 501	Lot 181: Lot 181	Gas usage	55.00
26/10/2009	Receipt: 505	Lot 119: Lot 119	garage card	50.00
26/10/2009	Receipt: 505			22.00
28/10/2009	Receipt: 340		Interest on opening balance arrear	-2.53
28/10/2009	Receipt: 522		Interest on opening balance arrear	2.53
28/10/2009	Receipt: 522		Interest on opening balance arrear	
28/10/2009	Receipt: 340		Interest on opening balance arrear	
28/10/2009	Receipt: 525	Lot 192: Lot 192	Gas usage	55.00
29/10/2009	Receipt: 542	Lot 102: Lot 102	Gas usage	55.00
31/10/2009	Receipt: 582	Lot 140: Lot 140	Remote control	100.00
2/11/2009	Receipt: 626	Lot 70: Lot 70	Cost to replace safety switch	295.00
2/11/2009	Receipt: 590	Lot 82: Lot 82	Gas usage	55.00

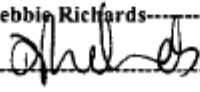
SPECIAL BY-LAW 12 - Control of Common Gas Supply

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

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

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

Names:-----Debbie Richards-----

Signatures:----------



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

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

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

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

Names:-----Debbie Richards-----

Signatures:----------

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



As per Special By-Law 12 introduced in rush in late 2013, it is only fair that every owner is treated equally, so Mr. Stan Pogorelsky should reimburse owners corporation for the past years (only a few years he paid for).

Evidence that yet again, without Special Resolution or Special By-Law, EC members and BCS Strata Management "approved" changed value of levies for second gas connection, as per letter sent by Strata Manager Mr Peter Bone (removed from managing the complex due to poor performance later on) to an owner on 19th of September 2013:

RE: STRATA SCHEME NO. 52948 – 1-15 FONTENOY ROAD, NORTH RYDE
GAS CONNECTION IN UNIT 88

We are the Strata Managers of the above complex.

Further to our letter of 6th March 2013 (copy enclosed) granting Owners Corporation approval to install a single gas outlet within your unit for gas heating purposes.

Our office has now been instructed by the Executive Committee to advise you that the annual cost payable to the Owners Corporation for the supply of gas to additional gas outlet will be \$55.00.

Please advise our office, in writing, once you have installed the approved gas outlet, and our office will issue you with an annual invoice for this amount (\$55.00).

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

Yours faithfully,

RAINE & HORNE STRATA-SYDNEY



Peter Bone

- In spite of all efforts by BCS Strata Management and Executive Committee, after 16 years of not tendering for strata management contract and “BCS winning it by default”, owners finally rejected BCS Strata Management and declined to renew the contract on 19th of October 2016:

27. REAPPOINTMENT OF MANAGING AGENT:

27.1 That in accordance with section 27(1) of the Strata Schemes Management Act 1996 (Act) that:

- (a) BCS Strata Management Pty Ltd trading as Body Corporate Services be appointed as strata managing agent of Strata Scheme No. 52948, total cost being \$29,000.00 plus \$6,996.00 (disbursements) Total = \$35,996.00 INCL. GST ;
- (b) the Owners Corporation delegate to the Agent all of the functions of:
 - (i) the Owners Corporation (other than those listed in section 28(3) of the Act); and
 - (ii) its chairperson, treasurer, secretary and Executive Committee, necessary to enable the Agent to carry out the ‘agreed services’ and the ‘additional services’ as defined in the written agreement, a copy of which was attached to the notice of the meeting at which this resolution was passed (Agreement);
- (c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- (d) the Owners Corporation execute the Agreement to give effect to this appointment and delegation; and
- (e) authority be given for the common seal of the Owners Corporation to be affixed to the Agreement in accordance with Section 238 of the Act.

Explanatory Note

The motion above is the standard motion for the Owners Corporation to appoint BCS as the managing agent for the strata scheme. The motion includes those functions that are to be delegated to the managing agent. A copy of the proposed Management Agreement is attached.

DEFEATED

10 voted Yes, 50 voted No

Details of Lot 158 Owner's Motions and Status at General Meeting on 19th of October 2016

Note: BCS Strata Management included this as Motion 17 in the agenda for AGM 2016 but failed to include Explanatory Note

Motion: Recovery of Lost Revenue from BCS Strata Management for Illegal Operation by ISP BigAir

Documentary evidence exists that EC warned BCS Strata Management the recovery of lost income from the ISP was a Strata Manager's issue and not an EC problem on 2nd of January 2013 and 1st of September 2013. Executive Committee's own assessment is that losses to owners corporation amount to at least \$20,000.00 (plus GST) in each year since 2005 due to BCS Strata Management not enforcing the contract since its sign-off in 2004.

As confirmed in Caretaker's report on 22nd of May 2013 only one owner had an account with the ISP and was urged to change provider.

Motion: That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 approves the following

BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation, 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 31st 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 31st of January 2014,
- All disclosed legal costs incurred by Grace Lawyers since 31st 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 31st 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.

Motion as manipulated by EC members and BCS Strata Management (avoiding disclosure of crucial information), and outcome at AGM on 19th of October 2016:

17. MOTION REQUESTED BY LOT 158 – REIMBURSEMENT REQUEST:

17.1 That owners' corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 approves the following:

BCS Strata management shall reimburse owners corporation for failing to act in best interest of owners corporation, 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 31st 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 31st of January 2014,
- All disclosed legal costs incurred by Grace Lawyers since 31st 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 31st 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.

DEFEATED – General discussion recorded – Arguments For/Against

Please Note:

Marianna Paltikian (Lot 88 & 133) asked the chairman why he was rushing through the motions. MP and other owners wanted a discussion regarding each of the motions requested by Lot 158.

Hendra Gee (Lot 183) wanted to know why no approach was made to reconcile with the owner of Lot 158.

Stan Pogorelsky responded to this question that an attempt was made by sending an email to which the owner was invited to a meeting in order to discuss his grievances. No response was received at this stage and a call was made to ask if he was coming to the arranged meeting and the telephone was put down on the caller. A few days later an email was received rejecting our offer.

1 voted Yes, 57 voted No, 2 voted Abstain

Mr. Stan Pogorelsky, other EC members, and BCS Strata Management misled the owners corporation and provided false statements in the minutes of the meeting because the so-called "meeting" failed to meet basic requirements. Subsequently, Mr. Stan Pogorelsky, with full support from other members and BCS Strata Management was ultimately involved in hiding numerous Motions for the General Meeting and manipulating its outcome. This is the email trace that shows lack of preparation for talks by Mr. Stan Pogorelsky:

*From: Stan Pogorelsky
To: SP52948 owner
Subject: RE: Invitation to attend a meeting at unit 181 on Thursday 18/8/16 @ 8:30 pm.
Date: Thu, 25 Aug 2016 20:09:53 +1000*

Thank you for your email.

I am however disappointed by your response to my initiation to meet with you.

I did not intend to have a formal meeting with you.

Instead I wanted to have an informal, casual meeting with you.

The purpose of the informal meeting was to discuss your grievances, in a relaxed setting, with a view to overcoming them and moving forward.

I do not believe there is any need to provide you with the information you have requested for the purpose of an informal, casual meeting.

My offer to meet you remains open.

If you would like to accept my invitation to meet, please let me know and I will arrange a mutually suitable time for us to meet at a venue that is convenient to us both.

Your Sincerely, Stan Pogorelsky.

From: SP52948 owner

Sent: Sunday, August 21, 2016 8:37 AM

To: Stan Pogorelsky

Subject: Re: Invitation to attend a meeting at unit 181 on Thursday 18/8/16 @ 8:30 pm.

The meeting invitation is declined due to lack of the following basic requirements:

- 1. Detailed agenda (or any agenda for that matter) for the meeting is missing,*
- 2. Supplementary (background) documents for the meeting are missing,*
- 3. Details of all invitees are missing,*
- 4. Schedule of the meeting is missing (how long, who should take minutes of the meeting, and so on),*
- 5. Clear statement of the goals or expected outcome of the meeting is missing,*
- 6. Only public venue for the meeting is acceptable,*
- 7. Advance notice of at least 72 hours is required,*
- 8. Response and receipts of the financial documents to ensure proper management of the complex that has been requested multiple times as per paid search SSMA 1996 S108. Example of how EC allegedly responded in February 2016 is enclosed herewith,*
- 9. Weekends are not acceptable for the business meetings.*

On 16/08/16 09:54, Stan Pogorelsky wrote:

I and two other members of the EC would like to have a meeting with you at my apartment on Thursday 18/8/16 @ 8:30 pm.

If this time is not suitable for you we could meet on Sunday the 21/8/16 @ 7:30.

Please let me know which day is suitable for you.

*Yours Sincerely,
Stan Pogorelsky.*

- Three emails from Lot 158 with full contents to Mr. Stan Pogorelsky:

<http://www.nswstratsleuth.id.au/SP52948-Continuous-Desperate-Protection-of-BCS-Strata-Management-by-EC-Chairperson-Stan-Pogorelsky-27Nov2016.html>

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

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

In spite of one-year advance notice on 1st 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: That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 approves the following

BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation 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,
- 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.

Note: BCS Strata Management included this as Motion 18 in the agenda for AGM 2016 but failed to include Explanatory Note and real reasons for these overdue reimbursements

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 24th of October 2011

Through private talks, before contract renewal for BCS Strata Management without tender, Mr. Greg Freeman agreed on loyalty discount reducing strata management yearly fees from \$33,490.00 to \$29,900.00 (plus GST in both figures), commencing 1st of September 2011.

In spite of three 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 2012-2014, inclusive.

Motion: That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 approves the following

BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation and allowing additional expenses to be incurred from common funds for unrealized loyalty discounts in the following manner:

- Penalty rate of \$7,770.00 plus GST, with 10% yearly interest rate,
- 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.

Motion as manipulated by EC members and BCS Strata Management (avoiding disclosure of crucial information), and outcome at AGM on 19th of October 2016:

18. MOTION REQUESTED BY LOT 158 – REIMBURSEMENT REQUEST:

18.1 That owners' corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 approves the following:

BCS Strata Management shall reimburse owners' corporation for failing to act in best interest of owners' corporation and allowing additional expenses to be incurred from common funds for unrealized loyalty discounts in the following manner:

- Penalty rate of \$7,770.00 plus GST, with 10% yearly interest rate,
- 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.

DEFEATED

2 voted Yes, 57 voted No, 1 voted Abstain

Note: BCS Strata Management included this as Motion 19 in the agenda for AGM 2016 but failed to include Explanatory Note

Motion: Recovery of Lost Revenue from BCS Strata Management for Failing to Enforce Warranties for Garden Bed Repairs

EC members and BCS Strata Management approved garden bed and walls repairs in amount of \$5,170.00 (GST inclusive) on 28th of August 2013, with paint that provided protection against UV rays with 10 years guarantee against peeling, blistering and flaking.

Since that time, additional work on garden beds caused expenses above \$20,000.00, without enforcing the warranties. Documentary evidence exists to prove this statement.

Motion: That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 approves the following

BCS Strata Management shall reimburse owners corporation for failing to act in best interest of owners corporation 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,
- 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.

Motion as manipulated by EC members and BCS Strata Management (avoiding disclosure of crucial information), and outcome at AGM on 19th of October 2016:

19. MOTION REQUESTED BY LOT 158 – REIMBURSEMENT REQUEST:

19.1 That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 approves the following:

BCS Strata management shall reimburse owners' corporation for failing to act in best interest of owners' corporation 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,
- 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.

DEFEATED

1 voted Yes, 58 voted No, 1 voted Abstain

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

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

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 BCS Strata Management

- Failed to disclose secret cash advance from parent company PICA Group before AGM 2014 in any financial statement or minutes of meetings. The cash advance was repaid to PICA Group six months later on 25th of March 2015, in amount of \$20,745.50,
- Refused to sign Declaration of Conflict of Interest before AGM 2014 two times,
- 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, and failed to provide any evidence of multiple quotes for tender of strata management contract renewal before AGM 2014.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Motion - Reimbursements of 192 Owners in Buildings for Excessive Levies at AGM 2015

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 BCS Strata Management failed to include Motion for AGM 2015 that was submitted by Lot owner 158 on 27th of January 2015, and resubmitted before AGM 2015, titled

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

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Motions – Not Included in Agenda for AGM 2015

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 BCS Strata Management failed to comply with request by Lot owner 158 for Motions for AGM 2015 that were initiated on 2nd of October 2015, one month before the general meeting

ItemID	File Date	Plan Numbr	Plan Name / Document Cat	Title	Document Date	Lot num
14353906	18/12/2015 8:34:03 AM	N52948	1-15 FONTENC	Correspondence	General Mailout record F1111088193	18/12/2015
14350817	17/12/2015 3:37:11 PM	n52948	1-15 FONTENC	Correspondence	Letter - levies - 18/12/2015	17/12/2015
14287180	11/12/2015 8:51:49 AM	N52948	1-15 FONTENC	Correspondence	General Mailout record F1111088076	11/12/2015
14284230	10/12/2015 3:41:23 PM	n52948	1-15 FONTENC	Correspondence	Letter - Fire Inspector	10/12/2015
14087599	27/11/2015 8:48:02 AM	N52948	1-15 FONTENC	Correspondence	Re: UPDATED OFFICIAL SUBMISSION PER SSMA 1996 Section 108 SP 52948 Docum	26/11/2015 4:32:53 158
14086165	18/11/2015 9:55:16 AM	N52948	1-15 FONTENC	Correspondence	Meeting Mailout record F1111060598	18/11/2015
13974444	13/11/2015 4:01:42 PM	N52948	1-15 FONTENC	Correspondence	Fwd: UPDATED OFFICIAL SUBMISSION PER SSMA 1996 Section 108 SP52948 Docum	15/09/2015 6:04:48 158
13974443	13/11/2015 4:01:41 PM	N52948	1-15 FONTENC	Correspondence	Re: SP52948 Advance notice to ask me for Motions for AGM 2015	2/10/2015 6:49:09 P 158
13974442	13/11/2015 4:01:40 PM	N52948	1-15 FONTENC	Correspondence	Re: URGENT UPDATE DFT File 7938059 - BCS Failed to Notify owner of AGM 2015 ar	24/10/2015 4:02:16 158
13974441	13/11/2015 4:01:38 PM	N52948	1-15 FONTENC	Correspondence	Re: SP52948 and BCS Strata Management repeat allegations of poor services provid	25/10/2015 7:27:54 158
13974439	13/11/2015 4:01:35 PM	N52948	1-15 FONTENC	Correspondence	INQUIRY Compliance with Caretaker's Contract and Upholding SP52948 By-Laws	25/10/2015 7:46:29 158
13974438	13/11/2015 4:01:33 PM	N52948	1-15 FONTENC	Correspondence	ADVANCE NOMINATION for SP52948 Executive Committee for	for AG 26/10/2015 9:50:36 158

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Public Commitment by Pica Group for Investigation about BCS Strata Management

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 that

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 owner 158, implicitly confirming Lot owner 158 speaking truth and offering indisputable evidence. The alleged investigation by Pica Group started on 9th of December 2015:

 **BCS Strata Management Official**

Thank you for your feedback.

We have escalated this within our team to our Managing Director and Group CEO of the PICA Group of Companies, Greg Nash. He will be taking over this matter personally and has begun an internal investigation into these allegations. We are working on the assumption that they are genuine and this is not an unfortunate misunderstanding. This investigation will determine next steps and our response.


In order to resolve the matter as quickly as possible, could you please contact us on (02) 8216-0387. This will ensure Greg is involved in future dialogue on this matter.

The PICA Group is committed to excellent customer service with integrity and honesty at all times. It is the PICA Group's intention to resolve this matter quickly and fairly for all concerned.

Thank you.

BCS Strata Management posted on Dec 09, 2015 

Hmm, I am not sure if this is true until I see some concrete results. Trust through verification. I left voice message for Mr. Greg Nash to be called back today and nobody replied. I had very serious document search as per paid SSMA 1996 S108 (which I asked for four times in 2015 alone and only when I paid for it without an invoice, BCS responded). Sadly, I got almost no documents at BCS Epping office (third year in a row). Branch Manager and Strata Manager for my complex stayed silent and refused to sign my report on missing documents that they had obligation and legal duty to provide.

prodreview-bcs posted on Dec 18, 2015 

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

In addition, they even increased the contract value, without tender, and without satisfactory performance (all Motions related to Caretaker were deliberately removed from the agenda at AGM 2016) – details below).

29th September 2016

To all owners of the Owners Corporation ("OC") of Strata Plan 52948

Annual report for year ended 31st August 2016

This report seeks to inform all owners, especially those who cannot attend the annual general meeting ("AGM"), of the financial and business affairs of the OC.

The overall financial position is stable and levies will be required to rise by 6.1% in total this year.

A number of roofing issues on the towers were finally solved. This has allowed time and money to be committed to catching up with other building defects within units (not visible to the public eye) that were deferred last year. These are not all complete and will be attended to on a needs basis going forward. The complex retains the appearance of being well maintained and better than would be normally expected for over twenty years of age. You will be asked to approve the major painting contract at the AGM.

The on-site caretaking arrangements have been extended at a favourable increase of 1% CPI to the 31st December 2017 and the arrangements with Steve Carbone of Uniquenco are working well.

Motion: Undisclosed Tender for Caretaker's Contract in 2014

Caretaker's contract was "awarded" to ex-staff of incumbent Caretaker (who had advanced insider's knowledge of his employer's contract), with increase of around 16% in comparison to previous year. Total cost of caretaker's contract over two years is around \$580,000.00. For 15 years, the Caretaker's contract totaling around \$3,500,000.00, was never issued request for tenders. The tender by Universal Strata Services in 2014 was invalid due to advanced request to investigate them for various misconduct and legal issues, so they were never a contender for the job. The contract for caretaking, pool and garden maintenance, and cleaning services with Caretaker in December 1999 increased by more than 33% in comparison to expenses in prior financial year without any tender (non-compliance with Strata Schemes Management Act 1998 Section 80B), and without decision at the general meeting.

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 BCS Strata Management

- Failed to provide any evidence of competitive tenders for renewal of caretaker's contract in 2014, and
- Acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014 and 2015.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Caretaker's Non-Compliance with Contract

Extracts from Caretaker's contract:

2.7 For any services required to maintain the premises in good repair not included in the Services, the Contractor will seek quotations on behalf of the Proprietor from time to time and submit these to the Proprietor's Representative. These independent contractors will be appointed at the sole discretion of the Proprietor.

14.1 The Contractor will monitor the performance of the Caretaking Services by its officers, employees and agents by maintaining a Caretaker on Site and arranging the following inspections:

(a) **Monthly**

The Caretaker will prepare an inspection report, detailing all matters requiring action and will circulate the report to the Contractor and the Strata Managing Agent of the Proprietor, including digital photos of damage and repairs and precise plan locations. The report will include all incidents that have caused damage to the Premises. Lot owner complaints about the standard of Caretaking Services will be recorded by the Caretaker and included in the monthly report. Recurrent or unresolved complaints shall be inspected by a Proprietor's Representative and the Caretaker and they will each inspect the area of the Premises in relation to which the complaint was made and the Proprietor's Representative acting reasonably shall determine the required action, if any.

15 Quality Assurance Standards

15.1 The Quality Assurance Standards will set out the standards of servicing to be achieved by the Contractor in carrying out the Caretaking Services in accordance with the Agreement.

15.2 The Contractor will provide a draft of this document 12 weeks from Commencement Date and a final copy no later than 2 weeks after receiving any draft amendments from the Proprietor's Representatives

The Quality Assurance Standards manual will include:

Procedure guide detailing all aspects of log book maintenance;

Plant & machinery certifications, Lists of signs etc.

Photos of common areas, gardens etc. in a satisfactory condition; and

Any other record that will assist objective evaluation of performance by the Contractor.

15.3 Any changes to the Quality Assurance Standards must be approved by an authorised representative of the Contractor and the Proprietor, the amendments will be initialled and a hard copy kept on site at the Premises.

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- Caretaker did not comply with the Contract signed with SP52948 on 7th of December 2014,
- BCS Strata Management was in non-compliance with SSMA 1996 Section 108 for document search in 2014 and 2015 by failing to provide access to full financial transactions and other strata files in regards to Caretaker's activities,
- Caretaker did not provide digital photos and evidence of damages in monthly reports.

Gallery of complex exteriors and gardens:

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/>

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Caretaker's Non-Compliance with OH&S Pavers Tripping Hazard

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

Caretaker failed to comply with OH&S tripping hazard requiring pavers to be repaired as per Napier & Blakely's building report dated July 2012.

<http://www.nswstratasleuth.id.au/BCS-Strata-Management-hid-professional-building-report-from-SP52948-owners-and-CTTT-Napier-and-Blakeley-July-2012.pdf>

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Breach of Caretaker's Contract Renewal in Section 13.2 at EC Meeting Dated 21 March 2016

Extract from Uniqueco Caretaker's contract signed on 4th of December 2014:

- 13.2 The Proprietor and Contractor agree that the increase in annual Prices for the Services from 1st January 2017 cannot exceed the annual percentage change in CPI (Sydney) all groups in the year based on the index published relating to June 2016 compared to the index at June 2015.

Minutes of EC meeting held on 21st of March 2016, attended by only EC member and BCS Strata Management (undisclosed details to owners corporation):

14.2 Correspondence has been received from UniqueCo Pty Ltd agreeing to a further year of caretaking services (until 31 December 2017) at an agreed increase in price of only 2%. The EC considered that the caretaker was only obliged to give notice by 31st August 2016 and that the offer of 2% was probably below the exact amount of CPI that could have been applied. The EC considered whether the services were being performed to a satisfactory standard concluded that the Managing agent be instructed to accept in writing the early offer of the extension (in accordance with the contract signed in Dec 2014).

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- EC members and BCS Strata Management failed to provide any evidence of competitive tenders for renewal of caretaker's contract in 2016 nine months before its expiration on 7th of December 2016,
- EC members and BCS Strata Management acted in non-compliance with current Caretaker's contract Section 13.2 valued close to \$300,000.00 per year for renewal (GST exclusive),
- EC members and BCS Strata Management speculated about CPI in June 2016 and made decision three months before it is announced by Australian Bureau of Statistics,
- EC members and BCS Strata Management failed to acknowledge official figure of 1.3% in period March Quarter 2015 to March Quarter 2016,
- EC members and BCS Strata Management failed to review service delivery by the current Caretaker in professional manner,
- EC members and BCS Strata Management failed to notify owners corporation that additional tenders for the Caretaker's and Strata Management contracts were announced on 7th of April 2016.

Note: Deeply hidden on page 51 of 62-pag Agenda for the Annual general meeting the following information was given to owners, confirming that Caretaker's contract was again renewed without any tender, without owners corporation direct decision at the general meeting, and even in non-compliance with alleged EC meeting held on 21st of March 2016, which increased the contract by 2%.

The use of long term contracts has a significant stabilising effect on levies. The contract for caretaking, security, gardening services and pool maintenance was extended in accordance with the contract at a 1% (CPI) increase for the period 1st January to 31st December 2017. A new contract must be negotiated at least four months before that expiry date next year and must be approved at the next AGM in 2017. The costs in the last year were stable as the current contract has the first two years at a fixed price.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Register of Items Excluded from Common-Property Listing

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 BCS Strata Management failed to provide evidence of Register of Property that is not on common-property listing any longer (owners made changes to their lots and proof of approvals at meetings, Special By-Law 4 for Lot 3, five private lattice in front of selective townhouses, and others), in non-compliance with SSMA 1996 Section 108 for strata document search in 2012, 2013, 2014, and 2015.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Details of Signatories Withdrawing from SP52948 Funds

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 BCS Strata Management 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, and 2015.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Motion Recommended by Department of Fair Trading for AGM 2015

Department of Fair Trading File 7563482 on 19th of May 2015:

I would add Fair Trading is not in the position to carry out audits on behalf of an owner's corporation accordingly, should the owners corporation resolve to scrutinise the schemes accounts they may consider engaging the services of an a forensic auditor. Should the audit identify failures to account or a misappropriation of the schemes funds the matter should be referred to Fair Trading.

The owners corporation may resolve a motion at a properly convened general meeting to address concerns affecting the scheme. This may include resolving a motion directing the agent to take action on a particularly matter and may also include passing a motion to enforce the terms of their management agreement with the agent.

Department of Fair Trading File 7563482 on 25th of May 2015:

Accordingly, to allow the owners corporation it's right to determine the most appropriate course of action, in relation to your allegations. You may wish to include a motion at the next properly convened general meeting to engage the services of a forensic auditor to scrutinise the schemes accounts. Should the audit identify failures to account or the misappropriation of the schemes funds the matter should be referred to Fair Trading.

Lot 158 submission to BCS Strata Management on 2nd of October 2016, one month before the AGM:

Subject: Re: SP52948 Advance notice to ask me for Motions for AGM 2015

Cc: Greg.Freeman@picaust.com.au

To: RussellY@bcms.com.au, Billy.Cheung@bcssm.com.au, gary.mills@bcssm.com.au

Date: Fri, 2 Oct 2015 18:48:28 +1000

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- BCS Strata Management 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.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Lack of Evidence that Pergolas are Common Property

Extract from Minutes of EC meeting held on 14th of February 2001:

4. Painting of pergolas

This work will be commence shortly.

It was agreed that the roofing and also the uprights of the pergolas will be painted and that formalising the Owners Corporation responsibility for maintenance of the uprights will be discussed at the next Annual General Meeting.

Extract from Minutes of EC meeting held on 1st of December 2010:

4. Pergola replacement.

Discussion took place on the need to undertake maintenance of the pergolas in the townhouses and the proposal that the strata scheme consider replacing the existing timber pergolas with ones constructed by low maintenance long life materials.

Rot is starting in the existing timbers, the lattice covering is deteriorating and various types of covering have been installed over the years.

A proposal has been obtained from Pergola Land at a cost of approximately \$10,000 a lot to replace the existing pergolas with aluminum pergolas.

It was agreed that further proposals be obtained for consideration at the next meeting. Due to the cost if the committee did support the matter proceeding it will need to be examined by all owners at a general meeting.

Extract from Minutes of EC meeting held on 13th of Aril 2011:

ITEM 11: That a quotation of \$61,490 from Robertson's Painting & Decorating be approved to repaint the townhouses and rear pergolas.
Having considered alternative proposals, this quotation was approved. The committee had regard to the fact that this contractor has previously carried out the work in the tower blocks and has good carpentry skills in staff.

Extract from email sent by Strata Manager Russell Young to EC member, BCS Branch Manager, and Solicitor Adrian Mueller on 21st of January 2015:

Good morning Adrian,

Could you please advise costs to deal with the matter of clarifying that pergolas are an item of Common Property (registration on title or however else the objective could be satisfied).

Thank you,
Russ

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 BCS Strata Management

- 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, and 2015,
- 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, and 2015, and without decisions at general meetings,
- Failed to notify owners corporation and CTTT about it.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Non-Compliance with Motion 16 Carried at AGM 2014

Extract from minutes of AGM 2014:

That the Executive Committee, in addition to its existing authority, be authorised to proceed with expenditure from the Sinking Fund in excess of \$30,000 per contract in any one year without reference to a General Meeting where that expenditure is on building or roof repairs, external or internal painting and any services or plant and equipment replacements provided that, at least two quotes have been obtained and the lower quote accepted and that the expenditure will not give rise to the need for an increase in the sinking fund levy in excess of a 5% increase on the prior year or give rise to a special levy in the current or following year.

An amendment to the motion was received from the floor regarding accepting quotes other than the lowest other factors considered. The motion was amended to read:

That the Executive Committee, in addition to its existing authority, be authorised to proceed with expenditure from the Sinking Fund in excess of \$30,000 per contract in any one year without reference to a General Meeting where that expenditure is on building or roof repairs, external or internal painting and any services or plant and equipment replacements provided that, at least two quotes have been obtained and the quote, which in the opinion of the Executive Committee offers the best result considering all relevant factors is accepted, and that the expenditure will not give rise to the need for an increase in the sinking fund levy in excess of a 5% increase on the prior year or give rise to a special levy in the current or following year. – **Carried.**

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- Non-compliance with Motion 16 at AGM 2014 for roof repairs that required at least two quotes to be obtained, causing expenses above \$168,000.00 in 2015:

Creditor Name	Doc. Ref. No.	Doc. Total (GST inclusive)	Chq. Date	Comments
KINTYRE BUILDING SERVICES P/L	42493A	\$7,785.00	11/02/2016	Block D: roof membrane - fourth part
KINTYRE BUILDING SERVICES P/L	42493	\$25,000.00	21/12/2015	Block D: roof membrane - third part
KINTYRE BUILDING SERVICES P/L	42215	\$32,786.00	23/11/2015	Block D: roof membrane - second part
KINTYRE BUILDING SERVICES P/L	42081	\$43,714.00	16/10/2015	Block D: roof membrane - first part
KINTYRE BUILDING SERVICES P/L	36682	\$35,613.60	10/03/2015	Block B: roof membrane - second part
KINTYRE BUILDING SERVICES P/L	38330	\$23,742.40	09/02/2015	Block B: roof membrane - first part
		\$168,641.00		

- Non-compliance with SSMA 1996 Section 108 for strata document search in 2014 and 2015 that failed to provide evidence of multiple quotes,
- Non-compliance with SSMA 1996 Section 108 for strata document search in 2014 and 2015 that failed to provide evidence that warranties for roof membranes were NOT decreased from 15 to only 5 years due to long-term neglect. Until the time of creating these Motions (April 2016) BCS Strata Management did not offer any proof of warranties being longer than 5 years.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Lack of Multiple Quotes for Hot Water Repairs in 2015 and 2016

Invoices for hot water repairs in 2015 and 2016:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total	Chq. Date	Mtd.	Cnl.	Chq. Date Presented
96118	ROSERIVER PTY LIMITED	00008487	23/02/2016	286.00	29/02/2016	EFT	N	29/02/2016
96118	ROSERIVER PTY LIMITED	00008441	19/11/2015	4374.70	07/12/2015	EFT	N	07/12/2015
96118	ROSERIVER PTY LIMITED	00008404	10/09/2015	10109.00	24/09/2015	EFT	N	24/09/2015
96118	ROSERIVER PTY LIMITED	00008366	18/06/2015	46200.00	03/07/2015	EFT	N	03/07/2015

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 that BCS Strata Management acted in:

- Non-compliance with SSMA 1996 Section 108 for strata document search in 2015 that failed to provide evidence of multiple quotes.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Non-Compliance with Motion 17 Carried at AGM 2014

Extract from minutes of AGM 2014:

That the Executive Committee be authorised to take such action as is reasonably necessary to cause the company known as BigAir (formerly known as WHome) to remove their equipment from the premises maintained in breach of contract. Such action is to include the pursuit of a complaint with the Telecommunications Ombudsman. An order by the ombudsman to reconcile the breach in commercial terms (including maintaining equipment on site) may be accepted as an alternative resolution. – **Carried.**

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- Non-compliance with Motion 17 at AGM 2014 for removing wireless ISP business BigAir running in the complex without authorization and contract since 31st of January 2014, at significant financial losses to owners,
- Non-compliance with SSMA 1996 Section 108 for strata document search in 2014 and 2015 that failed to provide evidence of actions by BCS Strata Management and EC members until February 2016.

Note: BCS Strata Management included this as Motion 20 in the agenda for AGM 2016 but failed to include Explanatory Note

Motion: Invalidate Motion 8 at AGM 2015

BCS Strata Management with members of the Executive Committee submitted the following Motion for AGM 2015, as carried on 4th of November 2015:

8. KINTYRE BUILDING SERVICES:

Motion

- 8.1 That the quotation from Kintyre Building Services Pty Ltd for \$99,350 plus GST accepted by the Executive Committee for urgent repairs to the roof on block D as contemplated in Motion 12 of the previous AGM be ratified as expenditure from the Sinking Fund as contemplated on motion 12 of the previous AGM.

This is Motion 12 of AGM 2014, as approved and recorded in the Minutes by BCS Strata Management:

MOTION 12: That the levy contributions for the Administrative Fund be determined for the period from 1st November 2014 to 31st October 2015, in the amount of \$760,000 plus GST be discussed, and after any amendment be approved. – **Carried.**

Motion 12 of AGM 2014 had no relation to “approved” Motion 8 at AGM 2015, which was attended by only 10 owners in person (out of 218 lots).

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 rescinds Motion 8 at AGM 2015 as for ratification to be legal and successful, full disclose is required – clear adoptive act.

Motion as manipulated by EC members and BCS Strata Management (avoiding disclosure of crucial information), and outcome at AGM on 19th of October 2016:

20. MOTION REQUESTED BY LOT 158 – RESCIND PREVIOUS MOTION:

- 20.1 That owners' corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 rescinds Motion 8 at AGM 2015 as for ratification to be legal and successful, full disclose is required – clear adoptive act.

DEFEATED

1 voted Yes, 58 voted No, 1 voted Abstain

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Non-Compliance with Special By-Law 12

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- BCS Strata Management failed to provide evidence of compliance with Special By-Law 13, registered on 6th of May 2014, requiring owners to reimburse owners corporation for second gas connection,
- BCS Strata Management acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014 and 2015 that failed to provide proof of payments into common funds.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Non-Compliance with Special By-Law 13

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, BCS Strata Management

- Acted in non-compliance with Special By-Law 13, registered on 6th of May 2014, providing water and gas reimbursements to selective townhouse owners in inequitable manner,
- Failed to disclose the size of the benefits in any financial report to owners corporation,
- Failed to disclose to owners corporation that decreased paid levies by those selective townhouse owners directly affect their voting rights.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Special By-Law for Exclusive Rights to Common Property Granted to Owner of Lot 3

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- Special By-Law 4, granting exclusive rights to common property to owner of Lot 3, registered on 24th 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 SSMA 1996:

ItemId	PlanNo	PlanNameAdd	Category	Title	DocDate
 12180836	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AJ115299A	7/09/2015
 12180952	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AH775788Y	7/09/2015
 12181004	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AH775788Y	7/09/2015
 12181025	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	By-laws: AH6938A	7/09/2015
 12181046	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	STANDARD BYLAWS	7/09/2015
 12181059	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	STANDARD BYLAWS	7/09/2015
 9681097	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	Special By-Law 13 AMENDMENT	6/01/2015
 6092727	n52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	Special By-Laws 11, 12 & 13	11/09/2013
 3902970	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	New Bylaw 10.03.2012 - By-law 10	12/07/2012
 2541110	N52948	1-15 FONTENOY ROAD MACQUARIE PARK NSW	By-Laws	MACQUARIE GARDENS registered by laws 1 - SBL9	10/10/2011

- BCS Strata Management did not enforce compliance with Special By-Law 4 in regards to public liability insurance required from Lot 3,
- BCS Strata Management acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2013, 2014, and 2015 that failed to provide proof of such insurance.

Mrs. Lorna Zelenzuk (co-owner of Lot 3 with her husband) is still a member of the Executive Committee.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: One-and-Half-Year Delayed Concrete Cancer Repairs

Extract from Integrated Consultancy Group report warning about concrete cancer in Unit 150 dated 4th of November 2014:

While carrying out the inspection from the paved patio area of Unit 150, it was noticed that the round concrete column forming one corner of the sunken enclosed patio was suffering from concrete spalling (concrete cancer) at the base.

Close inspection of the damage area showed a circular perimeter bar was exposed along with what appeared to be lots of small pieces of tie wire and other metallic pieces such as nails etc.

Unless remedial actions are taken the corrosion will continue to the point where the repairs are costly and may require the input of a Structural Engineer if some of the more structural steel bars start to corrode.

Allow to carry out the following works:-

- Grind back the exposed sections of steel to a minimum of 15mm below the surface level of the concrete.
- Remove and replace those sections of steel that have had their overall cross sectional size reduced by more than 20%.
- Treat the top of the steel with a zinc rich primer.
- Fill the hole with a polymer modified render mix similar in qualities to "BASF MASTER EMACO S5400 CI".
- Make good all surface finishes affected by the original defect, any exploratory and or remedial works.
- Clean up on completion.



Concrete spalling at base of unit 150's enclosed patio area column



Position of column in relation to enclosed patio

- Minutes of EC meeting held on 4th of March 2015:

10. CONTRACTOR TO UNDERTAKE WORKS TO ADDRESS WATER PENETRATION:

Motion

10.1 To determine whether to accept a quote from a contractor in respect of works specified in Integrated Consultancy Group's report.

Proposals received at the time of issuing this Notice are from;

- 1) Biltbeta for the value of \$63,173.88 (incl GST), and
- 2) Remtech for approximately \$104,000 (incl GST)

The quotations were not accepted and concern was expressed at the wide variation in price for identically specified works. The _____ was asked to pursue further quotations for a single example apartment (not belonging to an EC member) and to arrange for this to include the rectification to the external building pillar.

- Minutes of EC meeting held on 21st of March 2016:


11. EXTERIOR BUILDING REPAIRS
Motion
11.1 To prioritise other exterior building repairs required in advance of painting tower blocks.
It was agreed to proceed with the work on a progressive basis commencing with the only ground floor lot which has concrete rectification work required.

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- BCS Strata Management and Caretaker Uniqueco Pty Ltd failed to repair common property in a timely manner, in non-compliance with SSMA 1996 Section 62.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Pending Major Water leak Repairs in Block A

	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	TAX INVOICE	
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>		

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- BCS Strata Management and Uniqueco Pty Ltd failed to repair common property in a timely manner (one of Units in Block A had 16 water-leak repairs over four years), and
- BCS Strata Management and Uniqueco Pty Ltd failed to notify owners corporation of large pending work required by SSMA 1996 Section 62.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Repetitive Failures to Repair Common Property

Extract of expenses for single Lot related to water-leaks in period 2011 to 2016:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Total (GST inc.)	Chq. Date	Date Presented	Comments
33568	NCB PLUMBING PTY LTD	28733	\$663.00	15/09/2011	15/09/2011	Lot 191: water leak
68671	HOWARD WEST - BUILDER	973	\$968.00	15/04/2013	15/04/2013	Lot 191: repair ceiling and cornices to kitchen after water leak, remove damaged ceiling and cornice sections, supply and install new trimmers to ceiling, supply and install new plaster board, treat and seal stains, sand repairs
33568	NCB PLUMBING PTY LTD	31213	\$832.70	19/04/2013	19/04/2013	Lot 191: urgent water leak in kitchen ceiling on Saturday
33568	NCB PLUMBING PTY LTD	31749	\$121.00	15/08/2013	15/08/2013	Lot 191: leak coming through light fitting in laundry
33568	NCB PLUMBING PTY LTD	31853	\$653.40	2/09/2013	2/09/2013	Lot 191: leak in ceiling area
68671	HOWARD WEST - BUILDER	1041	\$803.00	3/09/2013	03/09/2013	Lot 191: repair laundry ceiling after water leak from roof, cut out damaged plasterboard, trim ceiling and install new plasterboard, set joints and repair cornice, sand and seal repairs ready for painting
33568	NCB PLUMBING PTY LTD	32019	\$779.90	16/10/2013	16/10/2013	Lot 191: leak in laundry ceiling
68671	HOWARD WEST - BUILDER	1045	\$781.00	24/10/2013	24/10/2013	Lot 191: repair laundry ceiling after water leak from roof, remove damaged plasterboard, trim ceiling and install new plasterboard, set joints and repair cornices, sand repair and prepare ready for painting, refix ceiling light
68671	HOWARD WEST - BUILDER	52948814	\$1,078.00	14/08/2014	14/08/2014	Lot 191: ceiling water leak
68671	HOWARD WEST - BUILDER	1144	\$572.00	23/10/2014	23/10/2014	Lot 191: water damage to ceiling
68671	HOWARD WEST - BUILDER	1154	\$781.00	24/03/2015	24/03/2015	Lot 191: water damage ceiling
33568	NCB PLUMBING PTY LTD	34032	\$887.70	7/04/2015	07/04/2015	Lot 191: water leak through kitchen ceiling bulkhead
33568	NCB PLUMBING PTY LTD	34352	\$867.90	23/06/2015	23/06/2015	Lot 191: Urgent Saturday water leak bathroom ceiling
68671	HOWARD WEST - BUILDER	1188	\$1,078.00	23/06/2015	23/06/2015	Lot 191: Repair ceiling to bathroom after plumbers repaired hot water leak, cut out damaged ceiling section, trim ceiling and install new plasterboard, set joints and repair damaged cornice, sand repairs and treat water stains ready for painting, Lot 192: Repair ceiling to kitchen after plumbers investigated leak to hot water lines from adjoining unit, patch ceiling and prepare ready for painting
33568	NCB PLUMBING PTY LTD	34977	\$878.90	14/12/2015	14/12/2015	Lot 191: water leak through ceiling
33568	NCB PLUMBING PTY LTD	35299	\$658.90	24/02/2016	03/03/2016	Lot 191 and 192: water leaks
		Total	\$12,434.40			

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- BCS Strata Management and Caretakers failed to maintain common property in professional manner, causing excessive expenses for repeated repairs,
- EC members failed to acknowledge these repairs as inefficient, inadequate and incomplete.

Note: BCS Strata Management included this as Motion 21 in the agenda for AGM 2016

Motion: Engage Services of a Forensic Auditor as Recommended by Department of Fair Trading

That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, approves engagement of services of a forensic auditor to scrutinize the strata scheme's accounts for the last five years, as per Department of Fair Trading files 7563482 and 7938059:

- To avoid any conflict of interest, a subcommittee of five owners or their representatives, made of non-EC members, shall be formed at general meeting by ordinary vote,
- The subcommittee members must declare their interests if applicable,
- Three quotes shall be sought and advice from NCAT (previously CTTT) obtained.
- As EC members and BCS Strata Management persistently refused to provide access to financial documents voluntarily in period 2012-2016 (in non-compliance with SSMA 1996 Section 108), the expenses for forensic audits shall be reimbursed from BCS Strata Management,
- To avoid any conflict of interest, the decision which auditor to engage shall be made at consequent EGM or AGM, whichever comes first, within 60 days after the AGM.

Motion outcome at AGM on 19th of October 2016:

21. MOTION REQUESTED BY LOT 158 - ENGAGE SERVICES OF A FORENSIC AUDITOR:

21.1 Engage Services of a Forensic Auditor as Recommended by Department of Fair Trading

That owners corporation by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, approves engagement of services of a forensic auditor to scrutinize the strata scheme's accounts for the last five years, as per Department of Fair Trading files 7563482 and 7938059:

- To avoid any conflict of interest, a sub-committee of five owners or their representatives, made of non-EC members, shall be formed at general meeting by ordinary vote,
- The sub-committee members must declare their interests if applicable,
- Three quotes shall be sought and advice from NCAT (previously CTTT) obtained,
- As EC members and BCS Strata Management persistently refused to provide access to financial documents voluntarily in period 2012-2016 (in non-compliance with SSMA 1996 Section 108), the expenses for forensic audits shall be reimbursed from BCS Strata Management,

- To avoid any conflict of interest, the decision which auditor to engage shall be made at consequent EGM or AGM, whichever comes first, within 60 days after the AGM

DEFEATED

1 voted Yes, 57 voted No, 1 voted abstain, 1 left blank

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Free Mediation at Department of Fair Trading in 2015

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

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.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Non-compliance with By-Law 2 and 3

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

BCS Strata Management and EC members failed to provide evidence who and when authorized permanent long-term parking for selective owners on common property in non-compliance with By-Law 2 and 3 and names of owners who have been granted such permissions without reimbursement to owners corporation, in non-compliance with SSMA 1996 Section 108 for strata document search in 2015 that failed to provide proof of such rights to any individual owner.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Undisclosed Reports and Lack of Maintenance as Recommended by Professional Assessors

That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 that 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:

- 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 4th of November 2014. Total cost of the report (GST inclusive) was \$1,815.00. The report includes warnings about concrete cancer.

Note: BCS Strata Management included this as Motion 22 in the agenda for AGM 2016 but failed to include Explanatory Note

Motion: Enforce Maintenance of Common Property - Including Bathroom Tiles

At the EC meeting on 21st of March 016, the following Motion was recorded:

14.3 Correspondence has been received from lot owners wishing to retile bathrooms. Technically this is affixing to the common property but it is the case that the age of the building is now such that such requests are becoming more common. It was agreed that retiling of bathrooms, toilets and or kitchens was permitted at the owners expenses and a common set of rules established regarding noise limitation, working hours, safety, insurance, access and rubbish removal be prepared for ease of approval to avoid each separate case being referred to the managing agent.

This is in non-compliance with registered common property.

Ceramic tiles originally attached to a common property surface (eg. the floor or boundary wall) are common property and they were repaired for number of owners through common funds in the past 18 years.

Tiles on a boundary wall or floor are the responsibility of the owners corporation. All other tiles are the owners responsibility. The two exceptions are:

- The tiles on the 2nd floor of a townhouse that was built prior to 1st July 1974. The tiles on the floor in this case are the owners responsibility.
- The tiles were laid by the owner and are subject to a by-law.

Owners corporation has a statutory obligation to maintain and repair common property. This is particularized in section 62 of the Strata Schemes Management Act 1996 which relevantly provides:

(1) An owners corporation must properly maintain and keep in a state of good and serviceable repair the common property and any personal property vested in the owners corporation.

(2) An owners corporation must renew or replace any fixtures or fittings comprised in the common property and any personal property vested in the owners corporation.

(3) This clause does not apply to a particular item of property if the owners corporation determines by special resolution that:

(a) it is inappropriate to maintain, renew, replace or repair the property, and

(b) its decision will not affect the safety of any building, structure or common property in the strata scheme or detract from the appearance of any property in the strata scheme.

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 that BCS Strata Management must repair all common property, including tiles in the bathrooms, unless decided differently by special resolution.

Comment by owner of Lot 158: This was a Motion testing knowledge of strata laws by BCS Strata Management and EC members. This Motion was invalid because only Special Resolution can change what is maintained in the complex.

Motion as manipulated by EC members and BCS Strata Management (avoiding disclosure of crucial information), and outcome at AGM on 19th of October 2016:

22. MOTION REQUESTED BY LOT 158 – COMMON PROPERTY REPAIRS:

22.1 That owners' corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996 that BCS Strata Management must repair all common property, including tiles in the bathrooms, unless decided differently by special resolution.

DEFEATED

2 voted Yes, 58 voted No

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Electricity Supply Contract Signed Three Months Before its Expiration Without Evidence of Tender and Without Disclosure to Owners Corporation

Similar process was conducted in 2011: EC member negotiated new contract through broker (tendering of electricity contract) as announced at the EC meeting held on 20th of July 2011, which was attended only by seven members of the EC (out of 218 lots in the complex) and Strata Manager Mr. Simon Wicks. The consequent increase in electricity costs were 18.010% and 18.76% in 2012 and 2013, well above the market trends.

SP52948 Common Property Electricity Expenses (GST exclusive)		
Financial Year from 1 Sep to 31 August the following year)	Electricity Expenses	Electricity Expenses Change to Previous Year
1997	\$36,369.00	
1998	\$69,048.00	89.85%
1999	\$32,392.00	-53.09%
2000	\$39,143.00	20.810%
2001	\$39,166.00	0.06%
2002	\$34,050.00	-13.06%
2003	\$35,195.00	3.36%
2004	\$36,979.00	5.07%
2005	\$38,901.00	5.20%
2006	\$42,341.00	8.810%
2007	\$46,169.00	9.010%
2008	\$49,065.00	6.27%
2009	\$50,875.00	3.69%
2010	\$60,200.00	18.33%
2011 Note 1	\$63,359.00	5.25%
2012 Note 2	\$74,792.00	18.010%
2013 Note 2	\$88,823.09	18.76%
2014 Note 2	\$83,730.83	-5.73%
2015 Note 3	\$69,150.15	-17.41% (~9% discount for Carbon Tax)

Note 1: EC member on his own "negotiated" new contract through broker (tendering of electricity contract) as announced at the EC meeting held on 20 July 2011:

The EC member introduced an energy supply broker to the strata manager. The broker arranged for a reverse auction of the electricity supply to be conducted on 25th of July 2011. Footnote: This reverse auction resulted in improved savings to the owners corporation over the increases quoted by suppliers to the auction. The increase in costs are estimated to be approximately 7%, which is significantly less than ordinary household account increases.

Note 2: LED lights purchased to save energy:

\$7,815.00 LED lights Caretaker's Invoice 00000180 on 21 June 2012
 \$8,313.00 LED lights/installation Carbon&Energy Reductions Pty Ltd Invoice 00240656 on 9 December 2013
 Numerous other emergency light replacements costing thousands of dollars
 Other LED and lighting expenses as of July 2015 above \$60,000.00

Note 3: In October 2014, an ACCC report said electricity retailers estimated that the removal of the carbon tax lowered prices to customers by 5.2 to 12.4 per cent. Government was more reserved: they estimated power prices would go down by 9 per cent. Statement by Energy Australia:

Savings for residential customers

State	Fuel	Average % savings p.a	Average \$ savings p.a
NSW	Electricity	8.9%	\$158
NSW	Gas	4.10%	\$35

Savings for small business customers

State	Fuel	Average % savings p.a	Average \$ savings p.a
NSW	Electricity	8.3%	\$452
NSW	Gas	7.8%	\$944

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, BCS Strata Management and EC members

- Failed to disclose at AGM 2015 or at any other meeting, that Strata Manager 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 8th of July 2015, almost three months before the expiration of the contract,
- Acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2012 and 2015 that failed to provide proof of electricity supply tender.

Comment by Owner of Lot 158: Owners are also not notified about disclosure of rebates and commissions:

- | | |
|-----|---|
| 3.4 | If <i>item 6</i> is marked "Yes", the <i>agent</i> may retain rebates, discounts and commissions paid to it by the providers of goods and <i>services</i> to the <i>owners corporation</i> described in the <i>disclosure schedule C1</i> or as otherwise notified in writing to the <i>owners corporation</i> from time to time and agreed in writing by the <i>owners corporation</i> . |
| 3.5 | If <i>item 6</i> is marked "No", the <i>agent</i> must pay to the <i>owners corporation</i> any rebates, discounts and commissions paid to it by providers of goods and <i>services</i> to the <i>owners corporation</i> within 30 days of the receipt, however any rebates, discounts and commissions described in the <i>disclosure schedule C2</i> may be retained by the <i>agent</i> . |

Note: BCS Strata Management included this as Motion 25 in the agenda for AGM 2016 and also created ambiguous Motion 8 that does not provide assurance that OH&S Risk Assessment would be included in the agenda for every annual general meeting. As a result, either Motion 8 must be amended to include OH&S results to be sent to all owners before annual general meetings, or Motion 8 merged with Motion 25

Motion: Occupational Health and Safety Risk Assessment

The Owners Corporation SP52948 by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms

SPECIAL BY-LAW: "Occupational Health and Safety Risk Assessment"

- To comply with the Work Health Safety (WHS) Laws that commenced on 1st of January 2012 and accompanied by the Model Work Health and Safety Regulations (MWH SR), the owners corporation shall conduct professional OH&S Risk Assessment before each and every annual general meeting,
- The OH&S Risk Assessment results shall be included in the agenda for every annual general meeting.

Motion outcome at AGM on 19th of October 2016:

25. MOTION REQUESTED BY LOT 158-OCCUPATIONAL HEALTH AND SAFETY RISK ASSESSMENT:

25.1 That the Owners Corporation SP 52948 by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms:

SPECIAL BY-LAWS: "Occupational Health and Safety Risk Assessment"

- To comply with the Work Health Safety (WHS) Laws that commenced on 1st of January 2012 and accompanied by the Model Work Health and Safety Regulations (MWH SR), the owners corporation shall conduct professional OH&S Risk Assessment before each and every annual general meeting,
- The OH&S Risk Assessment results shall be included in the agenda for every annual general meeting

APPROVED

49 voted Yes, 11 voted No

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Regular Fire Safety Reports Non-Compliant with Australian Standards

Details of fire safety inspections are never disclosed to owners corporation.

An extract from one of the owner's complaints about fire safety issues in 2013 that has not been attended to as of May 2016:

To: Peter Bone <PeterB@bcms.com.au>

Cc: EC members

Subject: OFFICIAL Submission for next EC MEETING: SP52948 Costly Delay in Rectifying Fire Safety Problems

Date: Wed, 31 Jul 2013 20:58:58 +1000

Motion: That Owners Corporation SP52948 by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, confirms that BCS Strata Management

- 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,
- Submitted fire safety reports to Ryde City Council without satisfying compliance requirements,
- Failed to notify owners corporation about failed fire safety tests over many years.

Note: BCS Strata Management included this as Motion 23 in the agenda for AGM 2016

Motion: Improved Financial Reporting and Auditing

The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms

SPECIAL BY-LAW: "Improved Financial Reporting and Auditing"

- All invoices and payments shall be uploaded to Strata Manager's web site at the time of their settlement;
- All quotes and tenders for work and services that relate to common property and the management of the complex shall be uploaded to Strata Manager's web site as soon as they become available;
- Every month, a Treasurer of the Executive Committee (and Financial Subcommittee if applicable) shall receive a statement of all drawings from the trust account, together with a balance left in the bank. The Treasurer (and the Financial Subcommittee if applicable) shall review the statements and act promptly to correct any errors;
- In each six-month period (February and August), a full report on the management of funds shall be sent to every owner (secure web access or email as preferred method of delivery to save the postage costs);
- Every year, full expense transaction records income and expenditure statements together with balance sheet shall be provided to all owners at least 14 days before the annual general meeting to allow them to review the financials and make informed decisions (secure web access, email, or by post);
- Individual townhouse owners shall have the choice to opt-out of the financial reporting scheme;
- Strata Manager shall keep a register of owners who wish not to receive these reports and shall make it public knowledge. Owners can only issue such requests in written form. These requests become enforceable as of date of the application;
- In the agenda for the annual general meeting the Treasurer of the Executive Committee shall provide written statement that they reviewed all accounts personally;
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Motion outcome at AGM on 19th of October 2016:

23. MOTION REQUESTED BY LOT 158 - IMPROVED FINANCIAL REPORT AND AUDITING:

23.1 The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms

SPECIAL BY-LAW: "Improved Financial Reporting and Auditing"

- All invoices and payment shall be uploaded to Strata Manager's web site at the time of their settlement;
- All quotes and tenders for work and services that relate to common property and the management of the complex shall be uploaded to Strata manager's web site as soon as they become available;
- Every month, a Treasurer of the Executive Committee (and Financial Subcommittee if applicable) shall receive a statement of all drawings from the trust account, together with a balance left in the bank. The Treasurer (and the Financial Subcommittee if applicable) shall review the statements and act promptly to correct any errors;
- In each six-month period (February and August), a full report on the management of funds shall be sent to every owner (secure web access or email as preferred method of delivery to save the postage costs);
- Every year, full expense transaction records income and expenditure statements together with balance sheet shall be provided to all owners at least 14 days before the annual general meeting to allow them to review the financials and make informed decisions (secure web access, email, or by post);
- Individual townhouse owners shall have the choice to opt-out of the financial reporting scheme;
- Strata manager shall keep a register of owners who wish not to receive these reports and shall make it public knowledge. Owners can only issue such requests in written form. These requests become enforceable as of date of the application;

- In the agenda for the annual general meeting the Treasurer of the Executive Committee shall provide written statement that they reviewed all accounts personally;

- To the extent of any inconsistency with previous by-laws, this by-law prevails

DEFEATED

2 voted Yes, 58 voted No

Note: BCS Strata Management included this as Motion 24 in the agenda for AGM 2016

Motion: Training for Executive Committee Members and Declaration of Conflict of Interest

The Owners Strata Plan 52948 No. 52948 (the "Owners Corporation") by ORDINARY RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, to approve training for Executive Committee members and declaration of conflict of interest in the following terms

- Owners shall commit to FREE EC training either before or within two months after they become members of the Executive Committee. They shall confirm it in writing at the first consecutive meeting after the general meeting,
- Once a year, before their nomination at the general meeting, all candidates for the Executive Committee shall provide written declaration to the owners corporation stating that they do not have any conflict of interest that would preclude them from being members of the EC,
- The EC members shall declare any conflict of interest at the start of each meeting or before discussion of the relevant agenda item. Details of any conflict shall be minuted.

Motion outcome at AGM on 19th of October 2016:

24. MOTION REQUESTED BY LOT 158 - TRAINING FOR EC MEMBERS:

24.1 Training for Executive Committee Members and Declaration of Conflict of Interest

• The Owners Strata Plan 52948 No.52948 (the "Owners Corporation") by ORDINARY RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, to approve training for Executive Committee members and declaration of conflict of interest in the following terms:

• Owners shall commit to FREE EC training either before or within two months after they become members of the Executive Committee. They shall confirm it in writing at the first consecutive meeting after the general meeting.

• Once a year, before their nomination at the general meeting, all candidates for the Executive Committee shall provide written declaration to the owner's corporation stating that they do not have any conflict of interest that would preclude them from being members of the EC,

• The EC members shall declare any conflict of interest at the start of each meeting or before discussion of the relevant agenda item. Details of any conflict shall be minuted

APPROVED

54 voted Yes, 6 voted No

Note: BCS Strata Management included this as Motion 26 in the agenda for AGM 2016 but failed to include Explanatory Note and crucial elements of the motion. Not correctly quoted by BCS Strata Management from what owner requested

Motion: Introduction of Subcommittees

The Owners Corporation SP52948 by ORDINARY RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, approve the introduction of subcommittees consisting of owners who are not members of the Executive Committee and one representative from the EC. The nominations for the subcommittees shall be open to all owners who are not already members of the Executive Committee.

- The owners corporation may establish the following subcommittees (or as applicable):
 - Finance and Legal
 - Gardening
 - Event and Social Activities
 - Project (Capital) Works and Engineering
 - Contract Management
- The subcommittee shall operate for such a period of time as the owners' corporation may determine at the annual general meetings;
- subcommittee shall be constituted of the following persons who shall be appointed by the owners corporation at the general meetings (normally AGM) and subject to the removal and replacement thereby:
 - a) A member of the Executive Committee (designated as the convenor of the subcommittee).
 - b) Up to six (6) other owners who are not members of the Executive Committee.
 - c) Members of the subcommittee cannot self-appoint themselves.
 - d) In instance when more applicants wish to be members of a subcommittee, the preference shall be based on MERITS, SKILLS IN RELEVANT AREA, and CULTURAL DIVERSITY.
 - e) Maximum term for any member of a subcommittee shall be three consecutive years. Compulsory "rotation" shall ensure "fresh blood" is introduced on a regular basis.
 - f) Owner cannot be a member of more than two subcommittees.
- The functions of a subcommittee shall be confined to those of an advisory and supervisory nature. For example, the Finance and Legal subcommittee shall review all invoices, payments, term deposits, expenditures, and provide summaries to the Executive Committee on monthly basis. They shall also look at legal obligations and conformance;
- The members of a subcommittee shall elect their chairperson who shall preside at its meetings whenever possible. The chairperson is simply a coordinator with equal rights to all other members;
- The meetings and proceedings of a subcommittee shall be regulated in such a manner as the subcommittee may from time to time determine;
- The frequency of meetings of subcommittees shall be decided at discretion of their members;
- The reports of the subcommittees shall be presented at each Executive Committee meeting (if applicable);
- To the extent of any inconsistency with previous by-laws or motions, this motion prevails.

Motion as manipulated by EC members and BCS Strata Management (avoiding disclosure of crucial information), and outcome at AGM on 19th of October 2016:

26. MOTION REQUESTED BY LOT 158 - INTRODUCTION OF SUB-COMMITTEES::

26.1 The Owners Corporation SP 52948 by RESOLUTION approve the introduction of Sub-Committees

DEFEATED

1 votes Yes, 59 voted No

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Confirm Five Townhouse Owners Occupy Common Property Without Owners Corporation Approval

- Original registered standard By-Law 15 of SP52948, highlighting the duty of Caretaker collecting garbage bins from all townhouse owners under the following conditions:

15. Garbage Disposal

An owner or occupier of a lot:

(a) must maintain within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry condition and adequately covered, a receptacle for garbage, and

(b) must ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained, and

(c) For the purpose of having the garbage collected, must place the receptacle within an area designated for that purpose by the owners corporation and at a time not more than 12 hours before the time at which garbage is normally collected, and

(d) when the garbage has been collected, must promptly return the receptacle to the lot or other area referred to in paragraph (a);

(e) must not place any thing in the receptacle of the owner or occupier of any other lot except with the permission of that owner or occupier; and

(f) must promptly remove any thing which the owner, occupier or garbage collector may have spilled from the receptacle and must take such action as may be necessary to clean the area within which that thing was spilled.

- Minutes of EC meeting held on 27th of November 2013 presented misleading information for owners, claiming that screen (lattice) was required for garbage collection and that it was approved in the past:

MOTION 8: To republish the existing policy on garbage bin enclosures for the townhouses.

The Chairperson advised the meeting that the OC had established a policy, some time in 1997 – 1998, that owners of town houses who wanted to have their garbage bins located at the front of the townhouse were required to erect a screen enclosure in an approved form and that caretaking staff will collect and replace with an empty bin weekly. The Caretaker has confirmed that this has been available since their service began in approximately 1999.

Resolved that this policy be confirmed and the owners of the Town Houses be permitted to avail themselves of this service, should they wish to do so, subject to the following:

To be eligible for this service, each unit owner must erect at their own expense, a lattice screen at the front of their property, for the purpose of hiding the garbage bin from view. Furthermore, the lattice screen must be completed to a standard that makes it appear to be a natural part of the building, and not an extension. Once satisfactorily completed, the Caretaker will be instructed to commence the weekly collection and replacement of the bin for the relevant town house.

A quotation from H & F West, in the amount of \$594.00 plus GST, to erect a single latticework screen and return, was tabled. The meeting noted that this quotation includes painting of the screen to match the paintwork of the townhouse that it is erected in front of.

Resolved that the work quoted by H & F West be approved as the minimum standard for any town house owner wishing to erect a lattice screen at the front of their Lot, and that H & F West be nominated as the preferred contractor for this work. A letter will be sent to each Townhouse owner enclosing the quote and photos of an approved screen.

- Owner of Lot 158 accidentally uncovered that Lot occupied by EC member was the only recipient of privileged service for collecting garbage bin from his lot for more than 14 years in October 2014.
- Caretaker Mr. Bob Luka claimed in his letter dated 17th of October 2014 that such decision was made in 1999 after Mr. John Fry became Strata Manager without tender. Evidence of this decision did not exist in any Minutes of EC or General meetings.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996

- BCS Strata Management and Caretaker provided special free service to single EC member in regards to garbage collection for more than 14 years, discriminating against all other townhouse owners,
- BCS Strata Management 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 failed to inform owners corporation about this scheme,
- BCS Strata Management and Caretaker 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.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

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

The Owners Strata Plan 52948 No. 52948 (the "Owners Corporation") by ORDINARY RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, confirm the following

- BCS Strata Management did not send agenda on 15th of March 2016 and conduct EC meeting on 21st 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 caretaker's contract)

- BCS Strata Management did not send agenda to all members of owners corporation on 11th of April 2016 and conduct EC meeting on 20th 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

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Non-Compliance with SSMA 1996 S108 for Paid Document Searches in 2014 and 2015 and Earlier

Examples of attempts to obtain access to documents s per paid SSMA 1996 S108, with emphasis on years 2014 and 2015. No response was received from BCS Strata Management or EC members.

1) Instruction given by EC member to Strata Manager on 5th of September 2013:

I will produce an Annual Report covering the last year for inclusion with the accounts, budget and AGM notices and update all owners on the real state of affairs.

I trust you can make his inspection as inconvenient as possible!.

There will be no motion supported by the committee to change the Managing Agent and in my view your contract does not require to be tendered this year as we were satisfied last year that a careful test was done.

2) Message sent to EC members, Hayes Knowns Accountants and BCS Strata Management, and group of owners via Bcc list, warning about undisclosed documents before AGM 2014:

Date: Mon, 17 Nov 2014 18:41:20 +1100

Subject: SUMMARY SP52948 Non-Compliance with SSMA 1996 Section 108 on 17Nov2014

3) Email sent to EC member and BCS Strata Management straight after the AGM 2014:

Date: Wed, 26 Nov 2014 21:59:34 +1100

Subject: THANK YOU FOR NON COMPLIANCE WITH LAW SP52948 - Various matters and tender process

4) On 21st of January 2015, EC member instructed the Strata Manager in the following terms in undisclosed email:

The committee standby the AGM instructions that correspondence from Lot 158 can be ignored where it is not relevant to the proper management of Owners Corporation. We should note at the next committee meeting all the emails he has sent since the AGM simply to record that the matters are either spurious or related to his fast failed claims and appeals. Other Owners deserve to know how vexatious he has become via the next EC minutes.

5) Special request by Lot 158 directly sent to members of the EC, last time on 29th of March 2015:

Date: Sun, 29 Mar 2015 17:29:52 +1100

Subject: REQUEST FOR DOCUMENTS EC members to provide immediate access to document viewing as per SSMA 1996 S108 for 2013 and 2014

6) Repeated email sent to BCS Strata Management, EC members and group of owners via Bcc list before AGM 2014:

Subject: UPDATED OFFICIAL SUBMISSION PER SSMA 1996 Section 108 SP52948 Document Viewing Request on 2Sep2015

Date: Wed, 2 Sep 2015 21:17:51 +1000

7) Email sent to EC Members and group of owners via Bcc list before AGM 2015:

Subject: UPDATE DFT File 7938059 and Illegal AGM 2015 Scheduled for 4 November 2015

Date: Sat, 24 Oct 2015 22:47:11 +1100

8) On 8th of February 2016, EC member instructed BCS Strata Manager to respond to Lot 158 in the following manner:

From: Gary Mills <Gary.Mills@bcssm.com.au>

Date: Mon, 8 Feb 2016 12:18:37 +1100

Subject: RE: SP52948 Request for next EC meeting agenda and responses on 7Feb2016

The committee have instructed us to ignore your email as all the items and contracts listed in your enquiry have been fully authorised by the Owners Corporation of SP 52948.

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, BCS Strata Management and EC members

- 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,
- 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,
- Have copies of all invoices paid by Lot 158,
- Failed to inform owners corporation about their persistent refusal to provide access to owners corporation documents.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Illegal Usage of City Council Land for Parking

Caretaker and BCS Strata Management allowed parking on council land adjacent to M2 without approval by City of Ryde or decision at any EC or general meeting since April 2015:

- 1) Because there is only one gate (wide enough for a single car only) means of ingress and egress and means of movement provided or to be provided within this "car park" are not satisfactory without additional costs,
- 2) There is only one gate (wide enough for a single car only) means of ingress and egress and means of movement provided This gate is currently not monitored or managed at any time,
- 3) There are no security cameras, and the "backdoor" increases risk of intruder attacks,
- 4) The lighting in the evening is insufficient,
- 5) There is already lot of free space to park cars along the Fontenoy Road,
- 6) 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,
- 7) 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,
- 8) Maximum number of cars to be accommodated in this public space is not managed by any party,
- 9) 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,
- 10) 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,
- 11) There is nothing to stop any other driver to drive through the complex and use this public property.

Motion: That owners corporation confirms by ORDINARY RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996,

- Owners corporation shall not be liable for any accidental or deliberate damage to property caused by vehicle movement on council land,
- Caretaker and BCS Strata Management shall be responsible for any issues arising from illegal usage of council land.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Confirm Undisclosed Insurance Claims for Lot 3 in 2012/2013

The Owners Strata Plan 52948 No. 52948 (the "Owners Corporation") by ORDINARY RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, confirms the following:

- 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:

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

- BCS 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,
- The legal case for defense of Lot 3 did not exist.

Comment by Owner of Lot 158: Solicitor Mr. Adrian Mueller was directly involved in these claims. In early September 2016, BCS Strata Management secretly engaged him, who already charged more than \$63,000.00 without full disclosure to owners or owners' approval so far and even engaged in hiding evidence from NSW Consumer, Trader, and Tenancy Tribunal in 2013, to eliminate crucial Motions from the Annual General Meeting.

Note: BCS Strata Management FAILED to include this as Motion in the agenda for AGM 2016

Motion: Frequent Changes of Staff Managing SP52948 at BCS Strata Management

The Owners Strata Plan 52948 No. 52948 (the "Owners Corporation") by ORDINARY RESOLUTION, pursuant to Section 47 of the Strata Schemes Management Act 1996, confirms the following:

- BCS Strata Management replaced seven Strata Managers and three Branch Managers due to unsatisfactory performance, or staff resignations, in period 2010 to 2016:

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

Note for the Executive Committee and the Strata Manager

1. All Motions must be included in the agenda for the AGM 2016 or EGM 2016, or whatever general meeting follows in 2016, as provided herewith.

In accordance with the SSMA 1996, 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 three 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 1996, Part 2, Division 1, Section 14 defines the person chairing the meeting MAY rule a motion is out of order if:

(a) the chairperson considers that the motion, if carried, would conflict with this Act or the by-laws or would otherwise be unlawful or unenforceable, or

(b) except in relation to a motion to amend a motion, clause 35 (3) has not been complied with in relation to the motion (except for a procedural motion for the conduct of the meeting or to correct minutes, the substance of the motion was not included in the agenda).

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 Executive Committee can also advise that Motions are ruled out of order and exclude them from the AGM agenda prior to the meeting.

The persons present at the general meeting, who are entitled to vote, may by ordinary resolution 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.