

Subject: SUMMARY: SP52948 Document Viewing Results on 17 October 2013  
From: SP52948 Owner  
**To: Strata Manager Peter Bone <PeterB@bcms.com.au>**  
**Cc: Branch Manager Paul Banoob <Paul.Banoob@picaust.com.au>, EC members**  
Date: Thu, 17 Oct 2013 20:48:22 +1100

Status of my visit to BCS Strata Management office today.

a) The following financial documents with accompanying notes by Bamfield and Co. Accountants:

Debtor Financial Status  
Cash Book Receipts  
Cash Book Payments  
Bank Reconciliation  
Detailed Expenses (Transaction Records) for Admin and Sinking Funds  
Cash Management  
Statement of Financial Position

**Results after visit to BCS Strata Management office: Files obtained. In addition, copies of some very crucial files and evidence obtained too. More details at the AGM 2013.**

b) Invoice, payment and insurance claim (if applicable) for

EC member in townhouse - Toilet Bowl Replacement

**Results after visit to BCS Strata Management office: By Strata Manager's written statement, the insurance claim and the payment to the owner did not occur. To be verified independently.**

c) Copies of last year's tender, quotes from strata agencies, and the document by the Executive Committee summarizing why was BCS Strata Management selected for the Strata Manager's contract. If they are not "available" to the Strata Manager for "commercial reasons" it must be available to each and every owner through separate methods and the members of the committee can pass them on. Whether I get them in letterbox, or via some other method, it does not matter. The Strata Manager Mr. Peter Bone is an official Treasurer and the Secretary of the EC since the AGM 2012 and has duty to provide them.

**Results after visit to BCS Strata Management office: The EC and the Strata Manager failed to provide any evidence of the tender for the management contract and quotes from alternative providers, which is in non-compliance with the SSMA 1996 Section 108. There is no proof that the Executive Committee is telling the truth about the properly organized tender last year. Because of other issues with the Strata Manager's contract uncovered today, this question will be asked at the AGM 2013.**

d) Public liability insurance by owner of Lot 3 as per Special By-Law 4 for FY 2014. Currently, the owner allegedly has two insurances in amount of \$20,000.000.00:

The GIO insurance policy issued on 18 October 2012 (one day after the AGM 2012 and the CTTT Hearing) and "backdated" to 13 September 2012 (this one would have expired) The APIA insurance policy issued for period starting 16 November 2012 (one month after the AGM 2012). The documents for all years before the AGM 2012 are still missing, and officially confirmed at the document viewing on 16 September 2013, which means that the Strata Manager FAILED to uphold the By-Laws of SP52948 in this regard.

**Results after visit to BCS Strata Management office: No dispute that the public liability insurance was not enforced as per Special By-Law 4 in any year prior to October 2012. The insurance details for next year are pending owner's update in next three weeks.**

The Executive Committee and the Strata Manager are requested to follow up as per their duties

e) All correspondence by ThyssenKrupp in regards to excessive increase of their yearly maintenance contract (5% in each of last two years) and the way they will reimburse the owners corporation.

**Results after visit to BCS Strata Management office: No new information provided by the Strata Manager. The proof that ThyssenKrupp decreased their contract costs for the last two years is still pending, two months after their original email.**

The Executive Committee and the Strata Manager are requested to follow up as per their duties.

f) The Minutes of the AGM 2001. In current Minutes Book only the Adjourned AGM 2001 in late October is listed. Note that the adjourned AGM ordered destruction of the ballot papers straight after the meeting, which was in dire non-compliance with the SSMA 1996 (ballot papers must be kept for five years).

**Results after visit to BCS Strata Management office: The Minutes of the initial AGM 2001 are missing and now confirmed in written form by the Strata Manager. The Notice for the AGM is missing too (although not specifically stated by law, it is recommended that relevant supporting documentation accompany the minutes such as annual financial statements, copies of quotations for major works if considered at the meeting etc. be pasted into the minute book with the agenda).**

g) Copy of Land Titles Office amended ruling that the pergola roofs (and uprights) are common property in our complex (refer to EC meeting on 24 May 2000 and 14 February 2001).

Note that we had major repainting (three coats) of the pergolas as reported at the EC meeting on 8 August 2001, and then regularly afterwards:

November 2002  
2004  
2011

On the other hand, buildings were painted only once in 17 years.

**Results after visit to BCS Strata Management office: The Land Titles Office ruling is missing. The Strata Plan By-Law is missing. At this stage, the originally registered Strata Plan seemingly does not include pergolas as common property. The Executive Committee and the Strata Manager are requested to follow up as per their duties.**

h) Copy of an application from owner of Lot 62 and the approval by the EC to install double glazing on all windows facing Ryde Road and a by-law that was supposed to be drawn up and tabled at the general meeting (minutes of EC meeting held on 17 March 1998).

**Results after visit to BCS Strata Management office: No documents provided. The Executive Committee and the Strata Manager are requested to follow up as per their duties.**

i) Copy of an application from owner of Lot 213 and the approval by the EC acknowledging that all costs were to be met by the owner and that all future gas accounts would not be paid by the owners corporation (minutes of EC meeting held on 17 March 1998).

**Results after visit to BCS Strata Management office: No documents provided. The Executive Committee and the Strata Manager are requested to follow up as per their duties.**

j) Full details of the outstanding legal fees and their settlement by the owners of Lot 103 and 218 (minutes of EC meeting held on 22 March 2000). The EC seemingly waived 50% of their costs without the approval by the owners corporation.

**Results after visit to BCS Strata Management office: No documents provided. Lot owner 218 is a member of the Executive Committee and getting any personal benefits (fees waived is a payment) that are not approved by the owners corporation at the general meeting are in breach of the SSMA 1996 Section 25.**

The Executive Committee and the Strata Manager are requested to follow up as per their duties.

k) There are some concerns from owners that EC member enjoys (or enjoyed?) special privileges by the caretaker's staff for a long time:

k1. Rubbish bin maintenance that is not done for other townhouse owners;

k2. Other services within the boundaries of the townhouse.

**Results after visit to BCS Strata Management office: No documents provided and no answers given. It will be asked at the AGM 2013. After the delay of 10 months, the same EC member claimed water and gas reimbursements for three previous quarters this week.**