

Document 9

NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure

Lot 158 requests that Bannermans Lawyers be struck out from the proceedings due to:

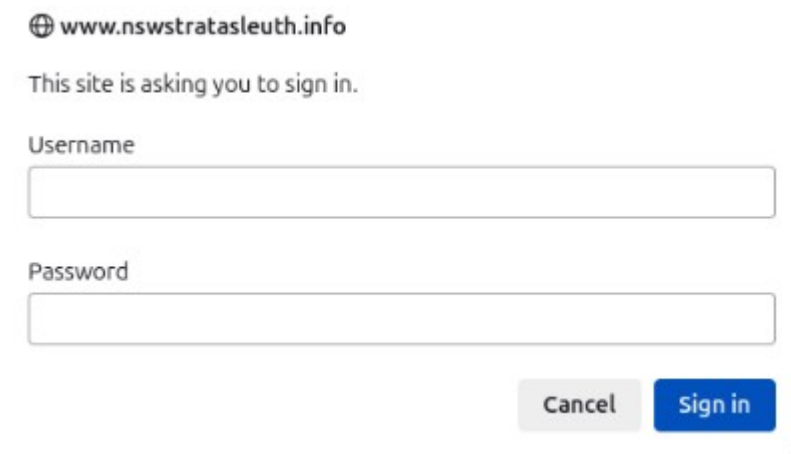
- Lack of evidence of their retainer before, at, and after Directions Hearings on 15 January 2025 and 20 February 2025,
- Proven conflicts of interest and bias as the solicitor had already been prejudiced through information they obtained about Lot 158 since 2011 which could promote one party's case to the detriment of the other.
- Lack of procedural compliance with approval to represent owners corporation at alleged committee meeting on 6 January 2025 and 6 February 2025.
- They still insist on extensive legal representation, ignoring the facts that NCAT encourages self-representation, where parties do not need to hire expensive lawyers to handle their cases. While legal representation is allowed at NCAT, many people choose to represent themselves due to the simpler, less formal procedures. This will result in significant savings in legal costs for all parties, as court cases often require the involvement of solicitors or barristers, whose fees can be prohibitive.

Most of submissions in NCAT case are provided on publicly-available secure website for all owners and investors in SP52948 since 2015, as what one would expect in open-minded democratic process, especially since Waratah Strata Management (and their predecessor BCS Strata Management) did not allow owners free, or any access, access to most of strata files:

<https://www.nswstratasleuth.info/>

For selected group of protected documents, where applicable, login prompt will force NCAT and SP52948 to authenticate at this web link:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/>



Ⓜ www.nswstratasleuth.info

This site is asking you to sign in.

Username

Password

Cancel Sign in

For security reasons, and as per best practices, login details are provided in a separate email.

1) Strata managers and committee members ignored requirements SSMA 2015 introduced on 1 July 2021, in spite of Lot 158 warning them about it as early as 3 February 2022. Almost three years after the concerns were presented in Lot 158 email listed below, strata manager and committee members deliberately repeated the same non-compliance action.

<https://ncat.nsw.gov.au/publications-and-resources/news-and-announcements/news/2021/changes-to-strata-laws.html>

Extract from Lot 158 email:

On 1 July 2021 new provisions in the Strata Schemes Management Act 2015 will commence.

The provisions will:

- *require an owners corporation to serve all lot owners with a copy of any application made to NCAT concerning their scheme, and*
- *enable an application to the Tribunal to ask for a monetary penalty for contravention of an NCAT order.*

1.1) As of 20 February 2025, owners did not receive full copies of the applications in NCAT case 2024/00454780-001, even when a second desperate committee meeting for 6 February 2025 was scheduled on 24 January 2025 (first meeting was on 6 January 2025).

Strata manager did not provide owners with any of these documents related to NCAT case, in spite of Lot 158 pleas and warnings that all owners and tenants should receive them in a timely manner:

- Application Notice, issued by NCAT on 6 December 2024.
- Notice of Directions Hearing, issued by NCAT on 10 December 2024.
- Add two more Orders, Lot 158 email by NCAT on 10 December 2024.
- Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER, Lot 158 email on 22 December 2024.
- Request for summons to Stan Pogorelsky, Lot 158 email on 12 January 2025.
- All Lot 158 Files, Lot 158 email on 14 January 2025.
- Bannermans Lawyers conflict of interest, Lot 158 email on 15 January 2025.
- UPDATES, Lot 158 email on 17 January 2025.
- Notice of Listing, issued by NCAT on 21 January 2025.
- Request for Summons to Issue – 24Jan2025, Lot 158 email on 24 January 2025 and all other documents afterwards.

1.2) The only NCAT document that owners received was a printed document on walls near four notice boards:

- Order, issued by NCAT on 15 January 2025 (it was provided nine days after the event on 24 January 2024, as part of agenda for rushed committee meeting scheduled for 6 February 2024).

1.3) The NCAT documents and access to extensive evidence were submitted by Lot 158 in seven emails to the following parties.

- Email dated 1 December 2024:
Nicolas Cozic (strata manager)
Robert Odenthal (strata manager)
Stan Pogorelsky (current committee member)
Kathryn Cutler (previous committee member)
Ramesh Kamini (current committee member)

- Carlos Montoya (current committee member)
- Genelle Godbee (current committee member)
- Jeffery Wang (current committee member)
- Andrew Ip (current committee member)
- Joe Spatola (current committee member)
- Email dated 22 December 2024:

Alex Tomasko (strata manager)

Nicolas Cozic (strata manager)

Robert Odenthal (strata manager)

Stan Pogorelsky (current committee member)

Kathryn Cutler (previous committee member)

Ramesh Kamini (current committee member)

Carlos Montoya (current committee member)

Genelle Godbee (current committee member)

Jeffery Wang (current committee member)

Andrew Ip (current committee member)

Joe Spatola (current committee member)

Thomas Karolewski (previous committee member)

Upali Aranwela (previous committee member)

John Gore (previous committee member)

Basil Gionea (previous committee member)
 - Email dated 12 January 2024:

Alex Tomasko (strata manager)

Heath Crosbie (strata manager)

Robert Crosbie (strata manager)

Nicolas Cozic (strata manager)

Robert Odenthal (strata manager)

Stan Pogorelsky (current committee member)

Kathryn Cutler (previous committee member)

Ramesh Kamini (current committee member)

Carlos Montoya (current committee member)

Genelle Godbee (current committee member)

Jeffery Wang (current committee member)

Andrew Ip (current committee member)

Joe Spatola (current committee member)

- Thomas Karolewski (previous committee member)
- Upali Aranwela (previous committee member)
- John Gore (previous committee member)
- Basil Gionea (previous committee member)
- Email dated 14 January 2025:

Alex Tomasko (strata manager)

Heath Crosbie (strata manager)

Robert Crosbie (strata manager)

Nicolas Cozic (strata manager)

Robert Odenthal (strata manager)

Stan Pogorelsky (current committee member)

Kathryn Cutler (previous committee member)

Ramesh Kamini (current committee member)

Carlos Montoya (current committee member)

Genelle Godbee (current committee member)

Jeffery Wang (current committee member)

Andrew Ip (current committee member)

Joe Spatola (current committee member)

Thomas Karolewski (previous committee member)

Upali Aranwela (previous committee member)

John Gore (previous committee member)

Basil Gionea (previous committee member)
 - Email dated 15 January 2025:

Alex Tomasko (strata manager)

Nicolas Cozic (strata manager)

Robert Odenthal (strata manager)

Stan Pogorelsky (current committee member)

Kathryn Cutler (previous committee member)

Ramesh Kamini (current committee member)

Carlos Montoya (current committee member)

Genelle Godbee (current committee member)

Jeffery Wang (current committee member)

Andrew Ip (current committee member)

Joe Spatola (current committee member)

Thomas Karolewski (previous committee member)

- Upali Aranwela (previous committee member)
- John Gore (previous committee member)
- Basil Gionea (previous committee member)
- Email dated 17 January 2025:

Alex Tomasko (strata manager)

Nicolas Cozic (strata manager)

Robert Odenthal (strata manager)

Heath Crosbie (strata manager)

Robert Crosbie (strata manager)

Stan Pogorelsky (current committee member)

Kathryn Cutler (previous committee member)

Ramesh Kamini (current committee member)

Carlos Montoya (current committee member)

Genelle Godbee (current committee member)

Jeffery Wang (current committee member)

Andrew Ip (current committee member)

Joe Spatola (current committee member)

Basil Gionea (previous committee member)
 - Email dated 19 February 2025:

Alex Tomasko (strata manager)

Nicolas Cozic (strata manager)

Robert Odenthal (strata manager)

Heath Crosbie (strata manager)

Robert Crosbie (strata manager)

Stan Pogorelsky (current committee member)

Kathryn Cutler (previous committee member)

Ramesh Kamini (current committee member)

Carlos Montoya (current committee member)

Genelle Godbee (current committee member)

Jeffery Wang (current committee member)

Andrew Ip (current committee member)

Joe Spatola (current committee member)

Basil Gionea (previous committee member)

2) This is the fourth time SP52948 organized engagement of Solicitors for legal cases where significant deficit in Admin Fund was undisclosed to owners:

2.1) On 4 July 2012, in preparation for CTTT Case SCS 12/32675, SP52948 secretly transferred \$50,000.00 because owners corporation was unable to pay \$14,056.90 to creditor code 69633:

<https://www.nswstratasleuth.info/BCS-Strata-Management-hid-information-that-SP52948-had-no-readily-available-funds-to-pay-bills-4Jul2012.htm>

2.2) On 31 January 2022, seven days before Solicitor Adrian Mueller initiated costs recovery for his alleged legal fees without approval of the owners corporation in Supreme Court case 2022/00070683, negative balance (deficit) in Admin Fund was -\$119,708.05.

On 3 February 2022, four days before Solicitor's case in Supreme Court, Lot 158 warned committee members and strata managers:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Lot-158-email-to-SP52948-committee-members-3Feb2022.pdf>

Extract from Lot 158 email (including the spelling errors in the original):

You are requested to share this information with all owners. NCAT was notified as well.

a) Lot 147 failed to return private property (folder in NCAT case 20/33352) as he was not part of the Hearing.

b) Throughout 2021 and 2022, financial status is getting worse and worse, with Admin Fund status negative balance of \$116,068.14 as of 30 January 2022:

SP52948 Balance Status on 29 January 2021, Admin Fund negative balance of \$18,859.76

SP52948 Balance Status on 25 April 2021, Admin Fund negative balance of \$24,560.03

SP52948 Balance Status on 31 July 2021, Admin Fund negative balance of \$22,323.34

SP52948 Balance Status on 31 October 2021, Admin Fund had negative balance of \$120,210.65 (one day before next collection of levies on 1 November 2021). This negative balance was extremely opposite from what Waratah Strata Management listed just three days earlier, on the day of general meeting on 28 October 2021 without disclosure to owners, Admin Fund has alleged balance of \$1,019.14 (three days before next collection of levies on 1 November 2021)

SP52948 Balance Status on 8 December 2021, Admin Fund holding just \$1,263.46 (close to two months before next collection of levies is due on 1 February 2022)

SP52948 Balance Status on 30 January 2022, Admin Fund has negative balance of \$116,068.14 (2 days before next collection of levies is due on 1 February 2022)

SP52948 Minutes of committee meeting on 23 September 2021 - shortage of \$1,515,541.00 in Capital Works Fund against the forecast in April 2017 that was allegedly approved without general meeting. Annual general meeting was held on 28 October 2021, and no owner received email or printed copy of rushed updates to Capital Works Fund which simply delayed all major repairs, effectively made balance looked artificially positive.

Agenda for AGM 2021 was dispatched on 7 October 2021 and BIV's updated Capital Works Fund plan was created a day earlier but not presented to owners corporation to approve or vote at general meeting on 28 October 2021

In spite of very concerning financial status, Lot 151 (ex-committee member) had colorbond gate door installed on common property in January 2022 (without any information to owners or formal approval to change common property), which means Mrs. Maureen MacDonald must cover at least 50% of the costs (you can verify the laws). There was no valid reason to install the gate opening as no other owner in the complex has the same privilege, and there are many more pressing matters to use common funds for.

c) In spite of all pleas, and even formal decision in NCAT 20/33352, common property on Lot 158 is not maintained. Ceiling in sunroom, due to water leaks near electrical lighting, is a fire and OH&S risk and unrepaired since September 2020, as screenshot of outstanding tasks from Waratah Strata Management website confirms.

- d) All attempts to discuss and settle alleged costs in NCAT 20/33352 were ignored by you and Solicitor Adrian Mueller.
- e) Lot 158 requests for copies of strata files that were submitted many times, including O'Brien Criminal & Civil Solicitors' letter dated 24 April 2020 will have to be addressed, no matter if someone wishes to ignore it.

For the record, as of 1 July 2021, new regulation was introduced: there is now an obligation for the owners corporation to serve a copy of the NCAT application on each and every lot owner. This is a change from the previous law where it was sufficient to place a copy of the application on the notice board (which also was not complied with in previous instances in our complex).

2.3) In NCAT case 2024/00454780-001, no owner received information about financial status when the notice of committee meeting was sent on 24 December 2024 or afterwards.

- Notice of the meeting hid all details of the financial status in Admin Fund. On 24 December 2024, Admin Fund had negative balance (deficit) in amount of -\$196,041.57:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-24Dec2024.pdf>

- On the day of alleged committee meeting on 6 January 2025, negative balance in Admin Fund was also - \$196,041.57, without disclosure to owners.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-6Jan2025.pdf>

- On the day of Directions Hearing on 15 January 2025, when Bannermans Solicitor appeared without evidence of legally valid engagement, negative balance in Admin Fund was -\$211,143.81, without disclosure to owners:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-afternoon-15Jan2025.pdf>

2.4) In NCAT case 2024/00454780-001, no owner received information about financial status when the notice of committee meeting was put on walls near four notice boards in basement of four buildings on 24 January 2025, or at any time afterwards.

Notice of the meeting hid all details of the financial status in Admin Fund. On 24 January 2025, Admin Fund had negative balance (deficit) in amount of -\$211,864.18:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-24Jan2025.pdf>

2.5) On the day of Directions Hearing on 20 February 2025, when Bannermans Solicitor appeared without evidence of legally valid engagement, negative balance in Admin Fund was -\$48,227.14, without disclosure to owners:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-morning-20Feb2025.pdf>

2.6) Since 4 October 2023, for more than 15 months, balance in SP52948 Admin Fund was always negative (in deficit) until 1 February 2025, without almost any disclosure to owners:

04/10/2023	-\$39,259.22	
11/10/2023	-\$239,193.82	
18/10/2023	-\$272,482.76	October 2023 monthly salary for building manager Uniqueco Property Services still outstanding
25/10/2023	-\$307,580.90	October 2023 monthly salary for building manager Uniqueco Property Services finally reported one day before AGM 2023
26/10/2023	-\$307,580.90	Day of Annual General Meeting, Waratah Strata Management did not allow owners to have this information
31/10/2023	-\$312,113.03	End of FY quarter
1/11/2023	-\$106,308.01	After collection of new levies
29/11/2023	-\$131,161.52	November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
13/12/2023	-\$148,352.97	November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
20/12/2023	-\$182,702.29	November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
18/01/2024	-\$267,755.06	November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
31/01/2024	-\$309,762.23	End of FY quarter; November 2023 monthly salary for building manager Uniqueco Property Services not reported until February 2024
01/02/2024	-\$60,370.94	After collection of new levies
07/03/2024	-\$187,689.84	
10/04/2024	-\$250,998.12	
30/04/2024	-\$251,697.41	End of FY quarter
01/05/2024	-\$3,632.01	After collection of new levies
16/06/2024	-\$164,511.55	
10/07/2024	-\$211,628.93	
31/07/2024	-\$261,781.53	End of FY quarter
01/08/2024	-\$16,766.81	After collection of new levies
08/08/2024	-\$63,048.35	
31/08/2024	-\$45,584.29	End of FY 2024; Five different versions of this figure exist: -\$76,650.88 in report on 31 August 2024, -\$82,495.29 in report on 5 September 2023, -\$89,919.55 in report on 13 September 2024, -\$71,490.05 in report on 17 September 2024, and -\$45,584.29 on 18 October 2024
26/09/2024	-\$124,073.56	Did not include total costs for half-year insurance renewal costs in amount of \$122,690.28 (GST excl)
02/10/2024	-\$124,438.24	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
14/10/2024	-\$147,150.28	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
16/10/2024	-\$194,340.99	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
19/10/2024	-\$168,185.23	Did not include total costs for half-year insurance renewal in amount of \$122,690.28 (GST excl)
23/10/2024	-\$294,324.93	Insurance premium for half-year renewal listed at \$122,690.28 (GST excl)
25/10/2024	-\$325,061.80	
31/10/2024	-\$325,441.80	End of FY quarter, allegedly no additional expenses since 25 October 2024, highest negative balance for SP52948 ever achieved, that figure does not include \$122,690.28 insurance premium (GST excl) for the second half of FY 2025. Taking that into account, more realistic negative balance (deficit) in Admin Fund on 31 August 2024 would be -\$448,132.08
01/11/2024	-\$80,061.80	After collection of new levies
24/12/2024	-\$196,041.57	
8/01/2025	-\$204,274.84	
27/01/2025	-\$211,864.18	Monthly salary for Uniqueco Property Services in amount of around \$38,000.00 still not listed

29/01/2025 morning	-\$211,864.18	Monthly salary for Uniqueco Property Services in amount of around \$38,000.00 still not listed
29/01/2025 afternoon	-\$282,251.22	Difference in Admin Fund from the morning balance was more than \$81,000.00
30/01/2025	-\$299,433.75	
31/01/2025	-\$299,011.55	End of FY quarter
01/02/2025	\$25,988.45	After collection of new levies
17/02/2025	\$5,844.12	Monthly salary for Uniqueco Property Services in amount of around \$38,000.00 still not listed
20/02/2025	-\$48,227.14	No further income until next levy collection on 1 May 2025

3) Bannermans Lawyers failed to disclose breach of their duties and mislead the Tribunal at the Directions Hearing when appearing before the court on 15 January 2025.

- A conflict of interest arises as Bannermans Lawyers cannot act in the best interests of their current client (SP52948) as the solicitor had already been prejudiced through information they had obtained about Lot 158 since 2011 which could promote one party's case to the detriment of the other.
- Solicitors have a professional responsibility to ensure that they do not represent a party where they may have a conflict of interest.
- The crucial points in the Statement of Ethics and its acknowledgment of the lawyer's role of upholding the rule of law and serving the community in the administration of justice vis-à-vis the solicitor's duty to the court are that lawyers should:

Act frankly and fairly in all dealings with the courts.

Be trustworthy.

Serve their clients' interests competently.

Communicate clearly with their clients.

Keep the affairs of clients confidential, unless otherwise required by the law.

Maintain and defend the rights and liberty of the individual.

Avoid any conflict of interest.

- In terms of the "balancing act" which must be observed in putting the lawyer's duties into context, the Statement of Ethics states:

In fulfilling this role, lawyers are not obliged to serve the client's interests alone, if to do so would conflict with the duty which lawyers owe to the Court and to serving the ends of justice.

- Once the Tribunal proves a fact that Lot 158 has been a legally-valid committee member since 2011 (based on evidence which legal entities, courts, and other parties must follow through rules of evidence), any Solicitor hired by SP52948 must equally represent Lot 158 too, which Bannermans Lawyers did not declare in advance.

3.1) Bannermans Lawyers Ms. J. Pham made reckless statement before the Tribunal that SP52948 provided Lot 158 with access to strata documents, without any evidence, and in spite of irrefutable facts that Lot 158 submitted.

Bannermans Lawyers Ms. J. Pham coerced Tribunal member to force Lot 158 for printed versions of the documents, in spite of previous evidence that SP52948 did it only to incur costs. NCAT, however, allows it in their Procedural Direction 1 Paragraph 22:

Documents do not need to be served in one of the ways set out above if the receiving party (or their representative) agrees to accept service of the documents by some other means.

Refer to document **NCAT-2024-00454780-001-electronic-delivery-of-documents-and-website-evidence**.

Ms. J. Pham acted against Bannermans Lawyers own alleged Standard Costs Agreement dated 23 December 2024 (first time shown to Lot 158 and owners by publishing the printed document on walls near four notice boards in basement of

four buildings on 24 January 2025), in Section 11.2 where they expressed intention to convert all documents into electronic form:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Bannermans-Lawyers-page-11-of-Standard-Costs-Agreement-23Dec2024.webp>

Ms. J. Pham was wasting court's time and deliberately conducting in spiteful manner.

3.2) Reference case: Legal Services Commissioner v Yakenian [2019] NSWCATOD [98], about a solicitor of Fairfield in western Sydney, neighbour of Cabramatta and Villawood. He was referred to the NSW Legal Services Commissioner by District Court Judge, her Honour Wass DCJ.

The defendants' solicitor requested particulars of Mr Yakenian's builder client's statement of claim and said the defendants would provide defences within a reasonable time after the particulars were given. They invited the solicitor to advise them if he had any difficulty with this course. He did not do so. There was also talk of a security for costs application. On the basis of admissions made by the practitioner, the Tribunal of three members found that the solicitor had breached each of the following rules:

A solicitor representing a client in a matter that is before the court must not act as the mere mouthpiece of the client or of the instructing solicitor (if any) and must exercise the forensic judgments called for during the case independently, after the appropriate consideration of the client's and the instructing solicitor's instructions where applicable. (Rule 17.1)

A solicitor must not deceive or knowingly or recklessly mislead the court. (Rule 19.1)

A solicitor must not knowingly make a false statement to an opponent in relation to the case. (Rule 22.1)

3.3) During the Directions Hearing, Bannermans Lawyers Ms. J. Pham came completely unprepared and ignorant of the case details. She publicly admitted that she did not even know the Orders sought by Lot 158, in spite of NCAT case 2024/00454780-001 being opened more than a month earlier on 6 December 2024:

- Access to strata documents, as per SSMA 2015 Section 188,
- Remove committee member Stan Pogorelsky, as per SSMA 2015 Section 238,
- Rescind Special By-Law Unreasonable-Communications, as per SSMA 2015 Section 150.

Ms. J. Pham was wasting court's time.

3.4) As Ms. J. Pham appeared at Directions Hearing on 15 January 2025, it was logical to assume that Bannermans Lawyers received a signed copy of their Standard Costs Agreement, as per their page 3:

Engagement documents required	In order to engage our services please provide a copy of any of the readily available information:
	(a) signed costs agreement;
	(b) minutes resolving the suggested motions above;
	(c) strata plan;
	(d) common property certificate of title or title search;
	(e) any registered by-laws;
	(f) contact details of the owner;
	(g) witness contact details (to obtain a witness statement); and
	(h) any other relevant documents or correspondence.
3 of 13	

It means that agenda for meeting scheduled for 6 February 2025, should have included signed copy of the agreement, which was not the case, as shown by printed copy of Bannermans Lawyers Standard Costs Agreement that was put on walls near four notice boards in basement of four buildings on 24 January 2025:

<https://www.nswstratassleuth.info/NCAT-2024-00454780-001/SP52948-Bannermans-Lawyers-page-13-of-Standard-Costs-Agreement-25Jan2025.webp>

20. Dispute in relation to legal costs

If you have a dispute in relation to any aspect of our legal costs you have the following avenues of redress:

20.1 in the first instance we encourage you to discuss your concerns with us so that any issue can be identified and we can have the opportunity of resolving the matter promptly and without it adversely impacting on our business relationship;

20.2 you may apply to the Manager, Costs Assessment located at the Supreme Court of NSW for an assessment of our costs. This application must be made within 12 months after the bill was provided or request for payment made or after the costs were paid.

SIGNED _____ **(CLIENT)**

DATED _____

13 of 13

Ms. J. Pham engaged in fraudulent misrepresentation knowingly, as no legal professional would get involved in a court case without proper approval.

Mr. J. Pham misled the court and Lot 158 by her appearance at Directions Hearing because she had no legal right to represent SP52948.

Before Directions Hearing on 20 February 2025, Lot 158 requested that Bannermans Lawyers produce evidence of the following to the Tribunal and Lot 158 and they failed to do it:

- Unredacted electronic copy of all email correspondence between SP52948 representatives and Bannermans Lawyers since 10 December 2024.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with minutes of committee meeting on 6 January 2025 before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before sending their submission to NCAT on 12 February 2025, as per Directions Hearing Order.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 20 February 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 January 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 February 2025.

3.5) In previous CTTT case SCS 12/32675, SP52948 used the same tactics to coerce the Tribunal about alleged proper engagement for Solicitor Adrian Mueller, which ended with four insurance claims for non-existent “Defence of Lot 3” after secret insurance policy change several weeks before the first claim. CHU Insurance paid \$24,919.31 (GST excl) in total. Four years later, CHU Insurance forced recovery of \$8,800.00 from SP52948.

<https://www.nswstratasleuth.info/SP52948-Lot-3-all-four-insurance-claims-NH201212589.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Timeline-CTTT-SC-12-33352-insurance-claims.pdf>

Six versions of Solicitor’s Standard Costs Agreement, of which four were forgeries:

- 28 August 2012

Solicitor Adrian Mueller’s Standard Costs Agreement: BCS Strata Management insurance claim submitted for alleged “Defence of SP52948 Lot 3” and losses dated 8 August 2012, without Solicitor Adrian Mueller’s Standard Costs Agreement signed by SP52948 authorisation. Solicitor Adrian Mueller never provided this document to CTTT and District Court

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Standard-Costs-Agreement-without-signature-by-strata-manager-in-insurance-claim-for-his-costs-on-10Aug2012.pdf>

- 17 October 2012

Solicitor Adrian Mueller attended CTTT Hearing without evidence of his Standard Costs Agreement signed by SP52948 authorisation. Solicitor brought no evidence and even lied to the Tribunal by stating that Lot 3 could not attend it because they were allegedly overseas. The same evening was SP52948 Annual General Meeting and Lot 3 was physically present. Lot 158 sent a facsimile to CTTT complaining about Solicitor’s lies.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/faxcoversheet-SCS-12-32675-False-Statement-for-Order-4-Hearing-19Oct2012.pdf>

- 29 January 2013

Solicitor Adrian Mueller’s personally presented to CTTT his Standard Costs Agreement without SP52948 authorised signature

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-SCS-12-32675-Solicitor-evidence-for-cost-one-day-late-29Jan2013.pdf>

- 15 April 2013

At CTTT hearing, Lot 158 questioned legal right for Solicitor Adrian Mueller to represent SP52948, noting that his Standard Costs Agreement provided to CTTT on 29 January 2013 did not have signature on behalf of owners corporation and that minutes of committee meeting dated 28 March 2013 did not approve Solicitor's engagement.

Solicitor Adrian Mueller then asked for break to speak to strata manager Mr. Peter Bone and when he came back about 15 minutes later, provided statement to Tribunal to the effect of:

What I wish to do is... continue with the Hearing today on proviso that I am able to tender some evidence on this issue. Evidence which I’ve only discovered... Material...

There’s two documents: Second document is email from the Strata manager to me on 6th of August 2012 returning the signed copy of my costs agreement... and the costs agreement... signed by the strata manager on behalf of the owners corporation...

And I apply... to... tender of these documents today on the basis that I’ve only been informed of the challenge...

What Solicitor failed to disclose to all parties was a secret email sent to SP52948 Chairperson Mr. Bruce Copland and BCS Strata Management coercing them to provide confirmation that strata manager Mr. Garry

Webb signed his Standard Costs Agreement on 25 July 2012, and suggesting to organise urgent committee meeting to approve Motions that Solicitor personally prepared. Agenda for committee meeting scheduled for 26 April 2013 was then time-warped to happen on 19 April 2013 (a week before its schedule):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-Giving-Secret-Advice-to-Bruce-Copland-and-BCS-Strata-Managament-Provide-Signed-Contract-Under-Pressure-After-CTTT-Hearing-15Apr2013.png>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52938-agenda-for-paper-EC-meeting-on-26Apr2013-sent-on-16Apr2013.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-EC-meeting-19Apr2013-sent-on-26Apr2013.pdf>

- 19 April 2013

Solicitor Adrian Mueller and strata Manager Mr. Peter Bone submitted Solicitor's Standard Costs Agreement with SP52948 authorised signature Standard Costs Agreement (by strata manager Mr. Gary Webb) allegedly dated 25 July 2012; Solicitor Adrian Mueller prepared full Statutory Declaration for Mr. Peter Bone and was personally responsible for its contents

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-25Jul2012-and-provided-to-CTTT-nine-months-later-on-19Apr2013.pdf>

- 13 June 2017

Solicitor's Standard Costs Agreement with SP52948 authorised signature Standard Costs Agreement allegedly signed by strata manager Mr. Paul Banoob on 17 July 2012; this document was deliberately hidden by Solicitor Adrian Mueller and never provided to CTTT and District Court; Lot 158 found this file during document search at Waratah Strata Management five years later on 13 June 2017

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-17Jul2012-and-kept-secret-from-CTTT.pdf>

4) Lack of office bearers since AGM 2024 (and in most other years) allowed strata manager to conduct all duties of Chairperson, Secretary, and Treasurer, leaving 218 owners in the complex at a mercy of a single person, without any oversight.

For Bannermans Lawyers to rely on strata manager for engagement in NCAT case, it creates serious conflict of interest for strata agency due to the following events:

4.1) Contracts for strata management did not pass the test of duty of care and best practices, or were signed by at least one unfinancial committee member.

- Waratah Strata Management contract signed by Mr. Stan Pogorelsky and Mr. Moses Levitt whilst both unfinancial on 14 December 2016.

<https://www.nswstratasleuth.info/Waratah-Strata-Management-contract-with-SP52948-14Dec2016.pdf>

Minutes of AGM removing BCS Strata Management and approving contract with Waratah Strata Management on 19 October 2016.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP25948-Minutes-AGM-2016-19Oct2016.pdf>

<https://www.nswstratasleuth.info/SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020.pdf>

AGM 2016 was conducted without valid quorum.

Strata and building manager contracts were approved without competitive tenders.

Contract with Waratah Strata Management was signed by two unfinancial committee members (Mr. Stan Pogorelsky and Mr. Moses Levitt) who could not prove they were financial owners and increased base value from \$21,800.00 to \$23,110.00 without owners knowledge on 14 December 2016 (refer to document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1, Section 15 to 15.9.**

- Waratah Strata Management contract signed by Mr. Stan Pogorelsky and Mr. Moses Levitt whilst both unfinancial on 24 October 2017.

<https://www.nswstratasleuth.info/Waratah-Strata-Management-contract-with-SP52948-24Oct2017.pdf>

- Waratah Strata Management contract signed by Mr. Stan Pogorelsky and Mr. Moses Levitt whilst both unfinancial on 17 October 2019.

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-contract-signed-by-two-unfinancial-owners-Stan-Pogorelsky-and-Moses-Levitt-17Oct2019.png>

- Minutes of AGM on 27 October 2022 stated the alleged approval to renew contract with Waratah Strata Management in Motion 12:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-AGM-27Oct2022.pdf>

<https://www.nswstratasleuth.info/SP52948-contract-Waratah-Strata-Management-part-1-27Oct2022.pdf>

<https://www.nswstratasleuth.info/SP52948-contract-Waratah-Strata-Management-part-2-27Oct2022.pdf>

Resolved that Waratah Strata Management (herein called 'the Agent') be appointed as the Managing Agent of the Owners Corporation in Strata Plan 52948 and that Marianna Paltikian (Secretary) and John Gore (Chairman) be authorised to sign the Management Agreement tabled at the Meeting on behalf of the Owners Corporation and further to attest the affixing of the common seal on that agreement, which agreement incorporates instruments pursuant to section 49(1) of the Strata Schemes Management Act 2015 appointing the Agent and delegating all the functions of the Owners Corporation and its Strata Committee and the Chairman, Secretary and Treasurer of the Strata Committee and of the Owners Corporation, other than the power to do anything referred to in section 52(2) of the Act.

Further resolved that the term of the management agreement is to be 36 months.

Note: The Chairperson abstained from voting on behalf of Lot 128 on this motion due to the conflict of interest.

Mrs. Marianna Paltikian, who co-signed this contract, was unfinancial due to unpaid full gas heating levies left from the previous owner of Lot 88, and lack of evidence that she was not using it ever since the purchase of property (in addition to the fact that her gas connection is still undeclared in strata documents).

In addition, as of late January 2025, Waratah Strata Management website does not list this AGM, along with the one in 2018:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-missing-general-meetings-on-waratahstrata-website-25Jan2025.pdf>

- At all contract renewals for strata agency since 2016, committee members (and later Waratah Strata Management themselves) disallowed competitive tenders, so current strata agency cannot be accepted as reliable source of evidence for NCAT case:

AGM 2016:
Ryan Strata

<https://www.nswstratasleuth.info/Ryan-Strata-Bid-27Jun2016.pdf>

<https://www.nswstratasleuth.info/Ryan-STRATA-MANAGEMENT-PROPOSAL-SP52948-fixed-price.pdf>

- AGM 2020:
Strata Excellence
Strata Title Management
Netstrata

<https://www.nswstratasleuth.info/SP52948-submitted-tenders-for-strata-and-building-management-28Sep2020.pdf>

<https://www.nswstratasleuth.info/SP52948-submitted-tenders-for-strata-and-building-management-29Sep2020.pdf>

5) In *Sadlo v Viceroy Gilead Pty Ltd* [2013] NSWCTTT 559 (at [10]):

[10] ... the [respondent] opted to be represented by a lawyer. It had no obligation to do so. The tasks involved in providing evidence, and making submissions at the hearing could have been undertaken by an employee or officer of the [respondent].

5.1) At Directions Hearing, none of five strata managers showed up (Mr. Nicolas Cosic, Mr. Alex Tomasko, Mr. Robert Odenthal, Mr. Robert Crosbie, and Mr. Heath Crosbie), and none of the nine committee members too.

5.2) In three other cases (SCS 12/32675, SCS 12/50460, and SC 20/33352), in spite of Lot 158 complaints, CTTT/NCAT allowed Solicitor Adrian Mueller to represent SP52948 without validly-approved Standard Costs Agreement, acting in non-compliance with Tribunal orders six times, causing excessive costs and delays whilst not providing any evidence, submitting false statements and be part of five fraudulent insurance claims, and not assisting Police and Office of Legal Services Commissioner (refer to document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1, Sections 8 and 9**). Instead of dealing with the CTTT/NCAT cases, Solicitor Adrian Mueller secretly attempted to initiate four alleged “defamation cases”, last time on 21 October 2020.

Attempt to engage Bannermans Lawyers in this NCAT case followed the same, predictable, deliberate pattern of fraud that benefits strata agency, committee members, and the lawyers. There is no value for majority of owners to use “legal defense” in the NCAT case.

6) Non-compliant committee meeting on 6 January 2025, which allegedly approved Bannermans Lawyers engagement.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-letterbox-notice-board-incomplete-agenda-paper-committee-meeting-24Dec2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-board-incomplete-agenda-paper-committee-meeting-24Dec2024.webp>

6.1) Schedule 2 Section 5 of the Strata Schemes Management Act 2015 applies. This specifies that notice of a meeting must be provided to each member of the Committee and each owner at least three days before the meeting. Part 2 of this section allows for the notice to be given by placing the agenda on a noticeboard, if one is maintained by the Owners Corporation.

Around 50% of owners do not live in the complex, so notice boards cannot be used as an exclusive avenue of delivering notices.

6.2) Clause 7 specifies that the notice of a meeting must include a detailed agenda for the meeting, which in this case failed to be met. Notice was not detailed, especially the details of Bannermans Lawyers Standard Costs Agreement.

Motions must be ruled as "out of order" as they conflicted with the Act, were unlawful, and unenforceable. According to Strata Community Association (NSW), definition of a Motion:

- *A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.*

- *A motion must clearly state the proposal to be considered at the meeting.*
- *Motion must clearly state if an ordinary, special, or unanimous resolution is required.*

Motion 9 presumed that Bannermans Lawyers would be engaged AT OWNERS CORPORATION expense.

The Explanatory Note contained a single line, without any details of the NCAT case.

6.3) In Motion 1, notice of the meeting stated:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-notice-board-without-minutes-of-committee-meeting-photo-2-15Jan2025.webp>

THAT the minutes of the last meeting of the strata committee held on 2 April 2024 be confirmed.

- This automatically invalidated alleged meetings on 19 September 2024 and 23 May 2024. In September 2024, strata manager sent notice for paper committee meeting, scheduled for 19 September 2024, which included Motions about NSW Fair Trading Mediation in case 00994497 and attempt to engage Solicitor Adrian Mueller. Agenda for that meeting was never published on Waratah Strata website. Minutes of that meeting were never published on notice boards, or on Waratah Strata website, and not sent to any owner. Lot 158 notified NSW Fair Trading about it on 25 September 2024.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-EC-meeting-scheduled-for-19Sep2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-board-agenda-for-EC-meeting-23May2024.webp>

- Strata meeting on 2 April 2024 was also non-compliant.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-agenda-EC-meeting-26Mar2024.pdf>

Strata Plan SP52948 committee meeting dated 2 April 2024, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

Agenda was created on 26 March 2024 and scheduled for 2 April 2024. Excluding date of creation, meeting date, public holidays, and the weekend, only two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure was hidden from owners by Waratah Strata Management in subsequent years.

Access to current Strata Roll was disabled by deliberate actions of strata manager:

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

No owner received full information about financial status, where Admin Fund had deficit (negative balance) of -\$190,762.04 one day before the agenda was sent to owners:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-25Mar2024.pdf>

Even worse, no owner received full information about financial status, where Admin Fund had deficit (negative balance) of -\$200,148.73 on the day of the alleged meeting:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2023-to-2Apr2024.pdf>

Agenda was not detailed, especially the details of Solicitor Adrian Mueller's costs in Standard Costs Agreement.

Agenda did not contain details of time and place of the meeting, denying owners their right to attend in person, if they wish so, and with 25% of voting rights to make decision any way they wanted without committee members.

None of six notice boards published agenda of the alleged meeting at any time before the meeting (photo evidence was collected).

Meeting did not satisfy quorum (out of four allegedly valid votes, one was not legal committee members: Mr. Stan Pogorelsky):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-paper-EC-meeting-2Apr2024.pdf>

Waratah Strata Management was repeatedly warned about allowing self-nominations for committee (this problem reoccurred at AGM 2023 too):

<https://www.nswstratasleuth.info/SP52948-problems-with-validity-of-nominations-for-committee-with-example-from-AGM-2017-sent-to-Waratah-Strata-Management-on-14Nov2021.html>

Waratah Strata Management and committee members continued to use services of Solicitor Adrian Mueller in spite of knowledge that he was being investigated for serious professional misconduct and crime (lying to NCAT and Supreme Court, withholding evidence, involvement in insurance fraud, overcharging for non-existent services, and much more) by Office of Legal Services Commissioner and Law Society of New South Wales.

Significant legal expenses were recorded in Income & Expenditure Report on 23 May 2024 - jump from \$921.93 on 22 May 2024 to \$4,471.93 on 23 May 2024. Waratah Strata Management and committee members still hide details of these payments, as of late January 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-significant-legal-expenses-23May2024.png>

Solicitor Adrian Mueller was allegedly engaged to provide these services, without any results ever being published for owners:

- (i) provide advice in relation to recent communication from Lot 158; and
- (ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.

6.4) Most of notices of SP52948 meetings, including the one allegedly approving Bannermans Lawyers engagement failed to disclose the following legal requirement as per SSMA 2015 Section 18 Disclosure of pecuniary interests:

ADDRESSING CONFLICT OF INTEREST - If a strata committee member has a monetary or other interest that could raise a conflict of interest in relation to matter to be considered by the committee, this interest must be disclosed at a meeting of the committee. After a member has made this disclosure they must not be present when the particular matter is discussed and they cannot vote on the matter unless the committee resolves otherwise. Details about the potential conflict of interest needs to be recorded.

Since this NCAT case has Mr. Stan Pogorelsky as one of main “persons-of-interest”, owners had/have extremely important reason to know about it.

6.5) In agenda for AGM 2024, owners were coerced to believe the following.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-agenda-AGM-2024-4Nov2024.pdf>

The actions of Lot 158 have also necessitated our engagement of a lawyer, Adrian Mueller. We are forced to predict further legal costs for 2025 that could be as much as \$25,000. Adrian continues to advise the Committee of the legality of the copious, historical and often defamatory communication, (despite a By- Law to the contrary) including motions submitted to our Annual General Meeting, that are not motions (but must be checked). The Strata Committee recently declined further mediation with Lot 158 because their complaints were resolved (legally) at a NSW Civil and Administrative Appeals Tribunal (NCAT) meeting (in 2022). All claims were dismissed, and costs awarded against the owner. The recovery of Strata legal costs used an agreed schedule of payments to our insurers from whom we claimed our legal costs. Repeating this process would only achieve the same result but further add to our Insurance and Legal costs.

- Important note is about ongoing and further engagement of Solicitor Adrian Mueller in amount of around \$25,000.00 without disclosure of costs, or approved Standard Costs Agreement at any legally-organised meeting.

It also highlighted that Solicitor Adrian Mueller was continually “advising” the legality of Lot 158 complaints and submissions, in spite of fact that alleged committee meeting on 19 September 2024 was invalid (did not happen at all because its minutes and agenda were never published on Waratah Strata website or minutes published on notice boards):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-EC-meeting-scheduled-for-19Sep2024.webp>

In Motion 2, 3 and 4 of that meeting, it said:

That the Owners - Strata Plan 52948 RESOLVE and accept the invitation of Mediation as outlined in the documentation dated 23/08/2024 – File No #00994497.

THAT the Owners – Strata Plan 52948 RESOLVE to elect a member of the Strata Committee to represent the Owners Corporation at mediation.

THAT the Owners – Strata Plan 52948 RESOLVE to obtain Legal Advice from JS Mueller & Co regarding the Mediation.

- Second issue is about SP52948 avoidance of additional legal costs (owners were mislead because NSW Fair Trading mediation has no costs). Why would then, SP52948 now engage another Solicitor (Bannermans Lawyers) who has poor knowledge of events in the complex, and plans to incur significant legal costs when the committee members allegedly wanted to avoid them (whilst deliberately ignoring free mediation at NSW Fair Trading).

The answer is obvious: they want to use threat of legal costs as deterrent to Lot 158 and attempt to hamper Tribunal investigations.

6.6) The Interpretations Act 1987 Section 76 specifies that the service of a document by post is taken to have taken effect on the seventh working day after the agenda was posted so this needs to be taken into consideration for the correct notice to be given (if required).

The day of the meeting must be excluded from the calculation of service by post under section 36 of the Interpretation Act 1987 (NSW).

Notice did not satisfy requirements for sending it:

<https://www.nsw.gov.au/housing-and-construction/strata/serving-on-a-committee/how-to-run-a-strata-meeting#toc-strata-committee-meetings>

To call a meeting, the secretary or strata agent must notify every owner at least 3 days beforehand that a meeting is going to happen. The tenant representative must also be notified, if your scheme has one.

The notice must include the planned meeting date, time and place and an agenda.

Actual events in SP52948:

24 December 2024, Day of notice put on notice boards and published, Postage date not included, Notice posted

25 December 2024, Christmas Day

26 December 2024, Boxing Day

27 December 2024, First Working Day

28 December 2024, Saturday

29 December 2024, Sunday

30 December 2024, Second Working Day

31 December 2024, Third Working Day

1 January 2025, New Year's Day

2 January 2025, Fourth Working Day

3 January 2025, Fifth Working Day

4 January 2025, Sixth Working Day

5 January 2025, Seventh Working Day

Three Notice Days Missing!

6 January 2025, Date of Meeting, not counted

6.7) This was not an isolated incident with non-compliant meetings. Just in period since 1 February 2017, Waratah Strata Management and committee members were accessories in organising 32 other committee meetings that did not comply with SSMA 2015 and Interpretation Act 1987 (NSW):

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-since-1Feb2017.html>

6.8) On 24 December 2024, six notice boards published incomplete agenda for paper committee meeting scheduled for 6 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-letterbox-notice-board-incomplete-agenda-paper-committee-meeting-24Dec2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-board-incomplete-agenda-paper-committee-meeting-24Dec2024.webp>

This rushed meeting was forced by Lot 158 emails dated 1 December 2024 and 22 December 2024. In the latter email, Lot 158 sent a strong warning:

To illustrate the point: it took 13 years for Mr. Pogorelsky to officially admit at an official committee or general meeting that he had enjoyed use of gas heating without Special By-Law and resolution at general meeting, and it took 17 years for Mr. Pogorelsky to officially admit at an official committee or general meeting that he had enjoyed use of gas heating without paying prescribed levies and 10% simple interest per year, and then continued to mislead the owners about his real debt, directly defrauding owners corporation.

Before AGM 2019 Mr. Pogorelsky secretly (and unsuccessfully) tried to settle his outstanding debt for gas heating levies without disclosure to owners, whilst he did not give such opportunity to other owners in similar situation, who blindly

voted to NOT PAY their LEGALLY-ENFORCED DEBT and even allowed Motion 4 to be approved before Motion 14). Of such additional owners, three are of special interest because they served as committee members in various years and allegedly held the office with high duty of care (!):

Lot 3, Mrs. Lorna Zelenzuk

Lot 62, Mr. Upali Aranwela

Lot 147, Mr. Moses Levitt

Through this email, strata manager and committee members are duly served with these legal documents. It is also requested that ALL owners in the complex get copies of the NCAT case and these documents.

2) As of 22 December 2024, minutes of AGM 2024 have not been published on notice boards for 24 days.

3) Notice of NCAT case 2024/00454780-001 Directions Hearing (set for 15 January 2025) has not been published or given to owners since 5 December 2024.

4) As of 22 December 2024, negative balance (deficit) in Admin Fund is -\$196,053.47 and Waratah Strata Management still did not explain where the money for recurring expenditures comes in last two years.

Lot 158 is looking forward to an opportunity to cross-examine strata managers and Mr. Stan Pogorelsky when NCAT Hearing goes ahead.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-SPOILER-ALERT-Stan-Pogorelsky-still-UNFINANCIAL-1Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-2024-00454780-001-Stan-Pogorelsky-notified-about-summons-22Dec2024.pdf>

6.9) Agenda did not contain details of time and place of the meeting, denying owners their right to attend in person, if they wished so.

6.10) Notice of the meeting coerced owners that only committee members were allowed to attend and/or vote:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-letterbox-notice-first-page-committee-meeting-photo-2-2Feb2025.webp>

This meeting will be held via paper-vote only for the elected Strata Committee.

As in previous “paper-vote” meetings, strata manager and committee members failed to publish information that other owners can vote, and if there were 25% or more of voting rights, they could make decision any way they wanted without committee members.

6.11) On Waratah Strata Management website, notice of the meeting was not published:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-waratahstrata-Document-folder-page-1-24Dec2024.pdf>

6.12) On Waratah Strata Management website, meeting was not scheduled.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-24Dec2024.pdf>

6.13) Notice of the meeting hid all details of the financial status in Admin Fund. On 24 December 2024, Admin Fund had negative balance (deficit) in amount of -\$196,041.57:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Income-and-Expenditure-Report-1Sep2024-to-24Dec2024.pdf>

6.14) Notice suggested that SP52948 wished to engage Bannermans Lawyers for “defending” at NCAT, without disclosing to owners that:

- Bannermans Lawyers were contracted to advise on how to prevent Lot 158 from communicating with CTTT/NCAT in 2011 (email by Mr. Simon Wicks to David Bannerman on 4 November 2011, with subject line “SP52948 | Fee proposal regarding controlling communications and restricting applications to the CTTT”:

<https://www.nswstratasleuth.info/SP52948-Bannermans-fee-proposal-to-prevent-owners-from-submitting-CTTT-cases-4Nov2011.pdf>

- On 1 August 2012, CHU Insurance advised AJG Insurance Broker, after secret change of SP52948 insurance policy for legal costs several weeks before the first claim, in regards to CTTT case SCS 12/32675 which would end with four insurance claims for non-existent “Defence of Lot 3”, as orchestrated by Solicitor Adrian Mueller. CHU Insurance paid \$24,919.31 (GST excl) in total. Four years later, CHU Insurance forced recovery of \$8,800.00 from SP52948.

<https://www.nswstratasleuth.info/SP52948-CHU-Insurance-AJG-Broker-and-BCS-Strata-Management-high-risk-insurance-claim-for-legal-costs-1Aug2012.pdf>

We would not refer this matter through to our Company’s Lawyers nor do we impose a rate scale.

We thought being a large risk that they would be in contact with a Strata Lawyer.

They can seek advice through the SCA (Strata Committee Australia).

*The others come to mind, Bannermans and the other, Le Page.
Both deal in Strata Law.*

- Bannermans Lawyers sent fee proposal to Waratah Strata Management on 3 July 2017, related to Lot 158 “issues”, at the time when Lot 158 was legally valid committee member:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Bannermans-Lawyers-advice-on-costs-agreement-disclosure-3Jul2017.jpg>

- Bannermans Lawyers provided advice to Waratah Strata Management on 18 January 2021. It was related to quorum requirements.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Bannermans-Lawyers-clarifying-quorum-requirements-for-general-meetings-18Jan2021.png>

It is questionable why Bannermans Lawyers engagement was not recorded in Detailed Expenses for the financial year from 01/09/2020 to 31/08/2021 (or at any other time since then):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Chairperson-worried-about-smoke-alarm-maintenance-advice-from-Bannermans-12Mar2021.png>

This fact strongly point to one of two possibilities:

Bannermans Lawyers had/have some special undeclared relationship with SP52948 representatives,

Bannermans Lawyers were involved in some undeclared financial transactions (lawyers do not provide free advice easily).

- Bannermans Lawyers became direct accessory to illegal major renovation by Lot 79 and failed to respond or take any action three times (in November 2024 and January 2025), and appeared to fail to notify Registrar-General’s Office of the REPEATED FAILURE by SP52948 to comply with requirements for major renovations (Lot 86 was the previous owner). Lot 79, in this instance, deliberately failed to comply with Bannermans’ legal document in Part 3.1 (1):

Before commencement of the Works the Owner must:

(a) obtain all necessary approvals from any Authorities and provide a copy to the Owners Corporation;

(b) effect and maintain Insurance for the duration of the Works being carried out, and provide a copy to the Owners Corporation; and

(c) ensure that this by-law is registered in accordance with section 141 of the Strata Schemes Management Act 2015 at the Registrar-General’s Office

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/REPORT-Illegal-major-renovation-in-SP52948-Lot-79-8Nov2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/REPORT-Illegal-major-renovation-in-SP52948-Lot-79-29Nov2024.pdf>

In the third email to Bannermans Lawyers on 15 January 2025, just before Directions Hearing, Lot 158 again highlighted the issue with Lot 79 renovations. No response was received from them.

Summary of Lot 79 issues:

- Renovations in Block C Lot 79 started without owners corporation meeting approval, including noise on 5 November 2024 and were supposed to end in late December 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation-3Nov2024.webp>

- Waratah Strata Management deceived owners by submitting Motion for Lot 79 major renovation at AGM 2024, scheduled for 28 November 2024, although the owner already started the work without approval and without Special By-Law registration.

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-AGM-2024-Motion-23-Lot-79-major-renovations-full-details-28Nov2024.pdf>

- No evidence that Lot 79 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee.
- No evidence that Lot 79 paid bond in amount of:
\$1,000.00 if total cost of works is less than \$20,000.00
\$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 79 paid or will pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws.
- No evidence that Lot 79 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting.
- No evidence that Lot 79 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost.
- Around 8 January 2025, illegal renovations in Lot 79 were republished in the elevator, with extension of work and noise for additional two months, which would mean external door to the unit would not be compliant with fire-safety regulations for around four months:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-C-elevator-notice-about-Lot-79-illegal-renovations-published-again-photo-2-8Jan2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-C-Lot-79-illegal-renovations-8Jan2025.webp>

- Lot 158 complaints and warnings were ignored:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-repeatedly-allow-excessive-noise-and-pollution-during-renovations-that-were-not-properly-approved-at-general-meetings.html>

<https://www.nswstratasleuth.info/SP52948-Lot-158-submissions-for-problems-at-AGM-2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Waratah-Strata-Management-failed-to-answer-serious-questions-AGM-2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Motions-by-Lot-158-AGM-1Oct2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-AGM-28Nov2024.pdf>

- There is no evidence that Bannermans Lawyers ever reported this illegal renovation to NSW Land Registry Services since the registration or updates of the Special By-Law would be made through falsified evidence and approval at Annual General Meeting 2024.

Video recording on Waratah Strata website on 19 January 2025 proved (same applied to status on 29 January 2025 and Lot 158 has evidence of it), without any doubts, that owners and tenants were last time notified about Consolidated By-Laws on 18 November 2022:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-last-By-Laws-published-on-18Nov2022-as-of-19Jan2025.mp4>

Lot 158 obtained legal advice from NSW Land Registry Services in regards to their complaint on 16 January 2025:

Reference

Strata Plan SP52948

Please type your enquiry in the box below

Evidence shows that Waratah Strata Management repeatedly allowed owners in SP52948 to allegedly approve major renovations in SP52948 after the work was either completed, or started before the updates or registration of the Special By-Laws related to them. <https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-repeatedly-allow-excessive-noise-and-pollution-during-renovations-that-were-not-properly-approved-at-general-meetings.html> Even multiple efforts to warn their solicitor (Bannermans Lawyers) were met with silence two times. Last official information about the updated SP52948 By-Laws was on 18 November 2022. Since then, no owner received any updates, including about 50% of tenants (that is how many properties are rented out) who must receive latest By-Laws within 10 days after This issue (one of many) is now part of NCAT case 2024/00454780-001. Your input is required.

In the fourth email to Bannermans Lawyers on 20 February 2025, after second Directions Hearing, Lot 158 again highlighted the issue with Lot 79 renovations. No response was received from them. Renovations continued in late February 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-C-Lot-79-illegal-renovations-19Feb2025.webp>

- Waratah Strata Management and committee members, including unfinancial Mr. Pogorelsky, refused to maintain obsolete smoke alarms in units, until advice from Bannermans Lawyers forced them to change as per Chairperson John Gore's email on 12 March 2021:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Chairperson-worried-about-smoke-alarm-maintenance-advice-from-Bannermans-12Mar2021.png>

Having read the Bannermans attachment I am not comfortable with the proposed correspondence to owners.

The advice says:

A smoke alarm situated within a lot which was installed by the owners corporation or developer or is wired to the building fire safety board will represent common property.

It is questionable why Bannermans Lawyers engagement was not recorded in Detailed Expenses for the financial year from 01/09/2020 to 31/08/2021 (or at any other time since then).

This fact strongly point to one of two possibilities:

Bannermans Lawyers had/have some special undeclared relationship with SP52948 representatives,

Bannermans Lawyers were involved in some undeclared financial transactions (lawyers do not provide free advice easily).

6.15) Bannermans Lawyers are well aware of the requirement for meeting notices when they published the following on 10 December 2023:

<https://www.bannermans.com.au/library/what-a-difference-a-day-makes-well-two-days-beware-of-time-limits-when-using-mail-services/>

6.16) On 27 July 2013, Lot 158 warned strata manager and committee members about illegal resolutions and risks when resolutions are rescinded without due process, with emphasis on Bannerman Lawyers losing case Owners Corp SP 37466 v Loombah Investments Pty Ltd [2012] NSWCTTT 182 (1 May 2012) SCS 11/51344. The email also documented previous manager Mr. John Fry being investigated for alleged poor maintenance in case Archbold & McGuire v Owners Corporation [2003] NSWCTTT 10 (21 January 2003) but there was not sufficient evidence to dismiss him from duties in that complex as it was seen as too drastic outcome of the findings.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-warning-about-illegal-resolutions-27Jul2013.pdf>

The Tribunal found as follows:

There is no evidence that any discussion after the passing the resolution 7 and 8 on 3 May 2010 had the effect of rescinding those resolutions.

There is no reasonable explanation why the notices of motion appeared on the agenda on 20 August 2010 and the outcome reflects this.

The notices of motion of 13 January 2012 are valid and have the effect of rescinding the original resolutions of 3 May 2010.

If the appellant considered that the notices of motion of 3 May 2010 were invalid and a decision pending on that question on appeal, why was a notice of motion placed before the Owners Corporation in the interim period to circumvent the proceedings...

Raine & Horne Strata Sydney (later merged with BCS Strata Management) was found to have implemented improper resolution for a by-law. The strata manager who made that error at Lindfield complex was Mr. Simon Wicks who was also the strata manager for SP52948 at the time and was soon afterwards removed from managing SP52948 due to unsatisfactory performance but later got employed as first strata manager for SP52948 again through Waratah Strata Management without disclosure to owners in 2017.

Lot 158 repeated the same concerns for Extraordinary General Meeting on 22 November 2013.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-submission-for-EGM-22Nov2013.pdf>

6.17) Lot 158 did not receive notice for this meeting by Australia Post or email.

6.18) Owners did not receive any information about Bannermans Lawyers' schedule of fees (sent on 23 December 2024) or a copy of their Standard Costs Agreement before the meeting on 6 January 2025. It was also not published on Waratah Strata website:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-12Jan2025.pdf>

6.19) Waratah Strata Management did not publish any information about this meeting in Documents folder.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-24Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-25Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-26Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-27Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-28Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-29Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-30Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-31Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-1Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-2Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-3Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-4Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-5Jan2025.pdf>

Even on the day of the alleged meeting, no information was available:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-6Jan2025.pdf>

Six days after the alleged meeting, no information was available on Waratah Strata website:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-12Jan2025.pdf>

Seven days after the alleged meeting, still not information was available on Waratah Strata website:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-13Jan2025.pdf>

6.20) Waratah Strata Management did not publish any information about this meeting in Meeting folder.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-24Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-25Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-26Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-26Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-27Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-27Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-28Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-28Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-29Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-29Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-30Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-30Dec2024.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-31Dec2024.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-31Dec2024.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-1Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-1Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-2Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-2Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-3Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-3Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-4Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-4Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-5Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-5Jan2025.pdf>

Even on the day of the alleged meeting on 6 January 2025, no information was available:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-6Jan2025.pdf>
<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-6Jan2025.pdf>

6.21) Six days after the alleged committee meeting on 6 January 2025, six notice boards still did not publish minutes of this meeting, not sent to any owner, and not published on Waratah Strata website.

Instead, notice boards continued to publish agenda for meeting dated 6 January 2025.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-notice-board-still-publishing-agenda-committee-meeting-dated-6Jan2025-page-1-12Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-notice-board-still-publishing-agenda-committee-meeting-dated-6Jan2025-page-2-12Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-notice-board-without-minutes-of-committee-meeting-12Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-notice-board-without-minutes-of-committee-meeting-12Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-notice-board-without-minutes-of-committee-meeting-12Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-notice-board-without-minutes-of-committee-meeting-12Jan2025.webp>

6.22) Seven days after the alleged committee meeting on 6 January 2025, six notice boards still did not publish minutes of this meeting, not sent to any owner, and not published on Waratah Strata website.

Instead, notice boards continued to publish agenda for meeting dated 6 January 2025.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-notice-board-without-minutes-of-committee-meeting-13Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-notice-board-without-minutes-of-committee-meeting-13Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-notice-board-without-minutes-of-committee-meeting-13Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-notice-board-without-minutes-of-committee-meeting-13Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-letterbox-1-notice-board-without-minutes-of-committee-meeting-13Jan2025.webp>

6.23) Waratah Strata Management published minutes of alleged committee meeting sometime between 12:02 and 13:41 hours belatedly on 15 January 2025 (nine days after the event), just about an hour or two before NCAT Directions Hearing. Agenda for this meeting still did not exist on their website:

File #1...aratahstrata-Document-folder-page-1-midday-15Jan2025.pdfPages: 1-1

1/15/25, 12:02 PM

WARATAH

STRATA MANAGEMENT

Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of O...			17/07/2024
Levy Notice		August 2024	21/06/2024

Page 1 / 21

File #2...document-folder-page-1-at-1340-hours-15Jan2025.pdfPages: 1-1

1/15/25, 1:41 PM

WARATAH

STRATA MANAGEMENT

Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
MINUTE BOOK			15/01/2025
Levy Notice		February 2025	24/12/2024
MINUTE BOOK			05/12/2024
MINUTE BOOK			04/11/2024
Insurance Policy			25/09/2024
Insurance Policy			25/09/2024
Insurance Policy			21/09/2024
Levy Notice		November 2024	20/09/2024
Audited / Annual Accounts			31/08/2024
Sec 22 Notices, Change of ...			17/07/2024

Page 1 / 21

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-midday-15Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-early-afternoon-15Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-at-1341-hours-15Jan2025.pdf>

6.24) The belated minutes of committee meeting dated 6 January 2025, as published on Waratah Strata website on 15 January 2025, listed eight committee members who allegedly voted:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-EC-meeting-6Jan2025-published-15Jan2025.pdf>

Meeting Date	6 January 2025 10:00 AM		
Additional Attendees	Alex Tomasko (Waratah Strata Management)		
Committee Members	Lot 7	James Zachary Zuravle	Paper vote
	Lot 88	Marianna Hagop	Paper vote
	Lot 112	Carlos Fornieles Montoya	Electronic vote
	Lot 159	Ramesh Desai	Paper vote
	Lot 142	Genelle Godbee	Electronic vote
	Lot 181	Stanley Pogorelsky	Paper vote
	Lot 200	Giuseppe Anthony Spatola	Paper vote
	Lot 218	Jeffery Wang	Electronic vote

The minutes failed to disclose to owners the conflicts of interest:

- Lot 7, Mr. James Zuravle, committee member since AGM on 28 November 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-AGM-28Nov2024.pdf>

Minutes of AGM 2024 wrongly presented Mr. Zuravle as an owner of Lot 47:

Motion 15

Strata Committee Nomination & Election

Ordinary Resolution

Submitted by Strata Committee

THAT the nominations of the strata committee be received and that the number of members on the strata committee be nine (9) and those members be as follows:

Name	Lot
Giuseppe Anthony Spatola	51
Jeffery Ching-Hao Wang	33/34
Kamini Desai	159
Carlos Fornieles Montoya	112
Genelle Godbee	142
Marianna Hagop Jin Ibrahim Patikian	88
Stanley Pogorelsky	64
Carole Suat Swee Gan	72
James Zachary Zuravle	47

MOTION RESOLVED

Mr. Zuravle obtained approval for major renovations at allegedly approved at SP52948 Extraordinary General Meeting dated 30 November 2023, as organised by Waratah Strata Management, which did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

<https://www.nswstratasleuth.info/SP52948-extract-from-minutes-EGM-30Nov2023.pdf>

In addition, Lot 7, along with several other owners, was allowed to attend the general meeting and vote at AGM 2023, in spite of being unfinancial:

<https://www.nswstratasleuth.info/SP52948-Lot-7-with-overdue-levies-on-8Nov2023-allowed-to-vote-and-attend-EGM-on-30Nov2023.pdf>

Lot 7 extended their renovations in two periods: from 11 to 22 December 2023 and from 15 January 2024 without defined end-date.

On 18 February 2024, four days before another Extraordinary General Meeting, Lot 158 sent email to Waratah Strata Management and committee members, with details of discrimination against owners, which benefited owners like Lot 7:

<https://www.nswstratasleuth.info/SP52948-discrimination-and-special-privileges-for-selective-owners-18Feb2024.html>

At pending EGM on 22 February 2024, one of the Motions was to waive interest for overdue levy payments for Lot 7.

Lot 7 sent email with complaint to Waratah Strata Management on 14 December 2023 at 10:47 hours.

On 19 December, at 15:12 hours, Waratah Strata Management responded to Lot 7 stating that their request would be added as Motion for next general meeting.

This highlighted another problem: at EGM on 30 November 2023, Lot 7 was counted as valid owner who did not have overdue levies, allowed to attend and vote. Waratah Strata Management withheld information that SSMA 2015, Part 4 - Voting rights and voting procedures, Division 1 - General rights to vote, 23 Persons entitled to vote at general meetings in paragraph (8) stated:

Voting rights cannot be exercised if contributions not paid - A vote at a general meeting (other than a vote on a motion requiring a unanimous resolution) by an owner of a lot or a person with a priority vote in respect of the lot does not count if the owner of the lot was an unfinancial owner at the date notice of the meeting was given and did not pay the amounts owing before the meeting.

On 29 and 30 January 2024, Waratah Strata Management did not give such option to Lot 104 (see below). This is an absolute and irrefutable evidence of discrimination.

We will vote against this proposal on grounds of clearly-defined NSW strata laws, long-term negative balance in Admin Fund (we need to collect overdue levies from all owners equally), and discrimination against some owners that Waratah Strata Management (and its predecessor BCS Strata Management) allowed in the past (they selectively waive overdue costs for some owners, causing financial losses in owners funds):

1. Strata levies must be paid even when receipt of levy notice is missing - Section 83(4) of SSMA 2015 provides, in similar terms to Section 78(6) of the SSMA 1996, that regular periodic contributions are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not given to the owner.

2. As regulated by Fair Trading:

Each owner and/or property manager needs to be aware of their owners corporation levy cycle. If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% (as prescribed by the regulations) from the due date until it is paid.

Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.

Strata manager does not have authority to waive the interest as it is not money owing to the strata manager. The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.

If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

At EGM on 22 February 2024, Lot 7 was allowed to attend whilst still having unpaid levies before the meeting and then vote to waive his own unpaid interest in amount of \$48.00, an option not given to many other owners:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-minutes-EGM-22Feb2024.pdf>

As of late January 2025, details of when Special-By-Law updates for Lot 7 major renovations were registered are still not available for any owner and tenant.

- Lot 88, Mrs. Marianna Paltikian, committee member since AGM on 19 October 2016:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP25948-Minutes-AGM-2016-19Oct2016.pdf>

Mrs. Paltikian is unfinancial due to unpaid full gas heating levies and 10% simple interest per year that she had inherited from the previous owner and undeclared in self-audits in 2014.

Previous owner of Lot 88 already had a gas heating connection when she complained to strata manager on 27 March 2013:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-confirmation-to-Lot-88-about-missing-gas-heating-levy-calculation-27Mar2013.pdf>

In it, strata manager asked SP52948 Chairperson Bruce Copland and committee member Mr. John Ward the following:

The owner of unit 88 was recently granted approval to install a gas connection within her Lot for heating purposes (see attached letter).

This owner has today contacted our office demanding to know how much she will be charged for gas each quarter.

She is not satisfied with the content of the Special By-Law relating to how she will be charged.

Is there anything further I can advise her as to how much gas supply may cost her each quarter?

Strata manager was directly involved in fraud because, formally, Lot 88 was approved to have gas heating connection only on 19 September 2013, although his email on 27 March 2013 confirmed Lot 88 connection before or around early March 2013.

<https://www.nswstratasleuth.info/SP52948-Lot-88-approved-gas-connection-BCS6136722.pdf>

On 28 March 2013, strata manager delayed response to Lot 88 until 19 September 2013 (six-month delay), where they listed charges as \$55.00 per year. This also meant that Lot 88 did not pay any gas heating levies in FY 2013 (financial year from 1 September 2012 to 31 August 2013):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-delaying-response-to-Lot-88-about-gas-heating-levies-28Mar2013.pdf>

Extract from strata manager's concerns to SP52948 Chairperson Bruce Copland on 28 Mar 2013:

Marina Gaits of unit 88 has just phoned me demanding that a member of the Executive Committee phone her on 0418 654 706.

She is very upset over the gas invoicing matter, and she is very upset with me because I am refusing to give her any answers.

Extract from response by SP52948 Chairperson Bruce Copland to strata manager and committee member Mr. John Ward on 28 Mar 2013, confirming that AGM 2012 (which did not satisfy the quorum and was conducted in non-compliance with SSMA 1996) did not set gas heating levies:

You have to manage this the EC meets on policy and will happily determine pricing as soon as it has some information. The EC did not even know about her heater till you contacted me. She is welcome to attend the next EC meeting but she is in the same boat as every other owner who installs a heater. The charge will be set reasonably but in the absence of a separate meter it is an arbitrary figure that needs some work to determine. She would be a lot more upset if there was no By-law allowing the connection in the first place.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2012.pdf>

<https://www.nswstratasleuth.info/SP52948-AGM2012-quorum-calculation-1Jul2017.pdf>

In 2014, previous owner of Lot 88 hid her gas heating connection in two self-audits which strata manager asked owners to conduct, and Mrs. Paltikian continued with the same non-disclosure:

<https://www.nswstratasleuth.info/SP52948-Summary-of-additional-gas-connections-BCS-report-14May2014.pdf>

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-sent-second-notice-about-second-gas-connections-and-warning-about-caught-owners-who-did-not-report-it-14Apr2014-and-30Jun2014.pdf>

On 16 July 2017, Mrs. Paltikian sent an email to Lot 158:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-88-promise-to-investigate-gas-heating-levies-16Jun2017.pdf>

In it, she said:

I need to follow this up which units have gas connection and are not paying?

As of late January 2025, there is no public document that lists Lot 88 gas heating connection (even if it were disconnected, which nobody can confirm as such information is undisclosed, it should be in the register).

- Lot 181, Mr. Stan Pogorelsky, committee member since AGM on 29 September 1999:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-1999-29Sep1999-ratification-of-gas-water-reimbursements-without-by-law-or-special-resolution.pdf>

Mr. Pogorelsky is unfinancial due to unpaid full gas heating levies and 10% simple interest per year since 1999. Refer to document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-3**.

Mr. Pogorelsky is a ringleader for many serious problems in the complex, including those related to criminal events. Refer to documents **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1** and **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-2**.

- Lot 200, Mr. Joe Spatola, committee member since AGM 2024, where he bought the property from previous Chairperson John Gore.

Mr. Spatola has deeply rooted personal hatred of Lot 158.

Mr. Spatola is very angry due to fact that Lot 158 had prevented his incorrect application for solar panel installations at AGM on 28 November 2024. Lot 158 gave him an advance notice why his Motion was flawed, which Mr. Spatola ignored and tried to coerce owners to approve his major renovation.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-warnings-to-Lot-200-about-his-Motion-for-AGM-2024-18Nov2024.pdf>

At AGM on 28 November 2024, committee members and few owners initially approved Mr. Spatola's Motion, until Lot 158 presented the case against it, including the fact that after solar panels were installed on his roof, owners corporation would still be responsible for maintaining the roof as part of common property. Present owners and committee members were in chock when Lot 158 made that statement and only after strata manager reluctantly admitted Lot 158 was right, everybody changed their vote.

Mr. Spatola was so displeased by the lost approval, when strata manager and Lot 158 offered him an option to resend the Motion for next AGM or EGM, he angrily stated that he had no more funds to proceed with the solar panel installations!?! Childish behaviour.

Mr. Spatola bought Lot 200 from previous Chairperson John Gore, who had history of mismanagement of the complex and personal benefits beyond those offered to others. One example was replacement of smoke alarms in 2015 (townhouses are not covered by fire safety audits, as they are personally responsible for them):

<https://www.nswstratasleuth.info/SP52948-replaced-faulty-smoke-alarms-Lot-200-10Aug2015.pdf>

Of special importance was Mr. Gore's involvement in fraudulent renewal of building management contract through misconduct of AGM on 26 October 2023 and falsified tender at EGM on 30 November 2023. Waratah Strata Management failed to publish information that committee Chairperson (SP52948 Lot 200, Mr. John

Gore) put their property for sale on 26 October 2023 - on the day of general meeting, had six proxy votes for the meeting, got elected on the committee, voted to increase levies by 7.91% for other owners whilst he did not intend to pay for them. Domain website claimed that Lot 200 sale was known to them since 24 October 2023 (two days before the AGM). Six proxy votes were given for Lot 200 at AGM 2023 without disclosure to owners that Mr. John Gore was leaving the complex as a matter of secret urgency:

<https://www.nswstratasleuth.info/SP52948-six-proxy-votes-for-Lot-200-AGM-26Oct2023.png>

Lot 200 was sold prior to auction at price of \$1,670,000.00 on 4 November 2023. On 29 November 2023, the day before GEM 2023, committee members, including ex-owner Mr. Gore, received Lot 158 concerns, which they did not respond to or address before, at, and after EGM 2023:

<https://www.nswstratasleuth.info/SP52948-committee-members-failed-to-respond-to-Lot-158-complaints-about-EGM-2023-29Nov2023.html>

Mr. John Gore was allowed to attend EGM on 30 November 2023, vote, and then secretly resign the day later on 1 December 2023:

<https://www.nswstratasleuth.info/SP521948-Lot-200-John-Gore-resignation-1Dec2023.png>

<https://www.nswstratasleuth.info/SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary.pdf>

<https://www.nswstratasleuth.info/REQUEST-Prepare-responses-to-Lot-158-at-AGM-2024-5Nov2024.pdf>

<https://www.nswstratasleuth.info/SP52948-Lot-158-submissions-for-problems-at-AGM-2024.pdf>

- Lot 218, Mr. Jeffery Wang, committee member since AGM 2010, mostly passive member who did not attend most of the meetings:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Minutes-AGM-2010-13Oct2010.pdf>

Lot 218 is unfinancial for unpaid full legal fees and 10% simple interest that he inherited from the previous owner, where strata committee made decision to waive them by 50% without general meeting on 22 March 2000:

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-waived-outstanding-levies-without-owners-corporation-approval-Minutes-EC-meeting-22Mar2000-legal-fees-Lot-103-and-218.webp>

In addition, Lot 218 (who also owns Lots 33 and 34) is known for not paying levies on time, as two examples from 2014 show:

<https://www.nswstratasleuth.info/SP52948-Committee-member-Lot-218-Jeffery-Wang-outstanding-levies-reminder-3Oct2014.pdf>

<https://www.nswstratasleuth.info/SP52948-Committee-member-Lot-218-Jeffery-Wang-outstanding-levies-reminder-20Oct2014.pdf>

This secret document, which strata manager and committee members never shared with owners, showed that Mr. Wang paid exactly the same amounts for levies for period 1 September 2014 to 31 August 2015, suggesting that he did not pay fees for late levy payments and 10% simple interest per year:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-AGM-2014-full-paperwork.pdf>

6.25) As of 20 February 2025, Lot 158 did not receive notice or minutes of this alleged meeting and by asking several other owners it appears the same problem happened to them too.

6.26) As of 13:04 hours on 15 January 2025, notice boards still had only brief agenda for alleged committee meeting scheduled on 6 January 2025.

Same applied to other notice boards later in the day:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-notice-board-without-minutes-of-committee-meeting-15Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-notice-board-without-minutes-of-committee-meeting-15Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-notice-board-without-minutes-of-committee-meeting-photo-2-15Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-letterbox-1-notice-board-without-minutes-of-committee-meeting-15Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-letterbox-2-notice-board-without-minutes-of-committee-meeting-15Jan2025.webp>

7) On 16 January 2024, 10 days after the alleged meeting dated 6 January 2025, and one day after the minutes were published on Waratah Strata Management website, notice boards still did not publish the minutes:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-notice-board-without-minutes-of-committee-meeting-16Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-notice-board-without-minutes-of-committee-meeting-16Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-notice-board-without-minutes-of-committee-meeting-16Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-notice-board-without-minutes-of-committee-meeting-16Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-letterbox-1-notice-board-without-minutes-of-committee-meeting-16Jan2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-letterbox-2-notice-board-without-minutes-of-committee-meeting-16Jan2025.webp>

8) The first time strata manager published minutes of alleged committee meeting dated 6 January 2025 was on 24 January 2025 (18 days after the alleged meeting). They were put on walls near notice boards in basement of four buildings, but were not visible on two notice boards near letterboxes.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-basement-on-24Jan2025-with-minutes-committee-meeting-dated-6Jan2025-and-notice-for-meeting-on-6Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-letterbox-notice-board-1-on-24Jan2025-with-incomplete-notice-for-meeting-on-6Feb2025.webp>

Agenda for meeting on 6 January 2025 was still not published on Waratah Strata website:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-24Jan2025.pdf>

9) On 13 November 2016, Lot 158 questioned Strata Community Australia (NSW) Code of Conduct, and the conflict of interest of their Directors, which included Mr. David Bannerman.

Strata Community Australia (NSW) admitted that they had no ability (or willingness) to apply their Code of Conduct to BCS Strata Management for their misconduct and unprofessional services. Strata Community Australia (NSW) Directors allegedly reviewed Lot 158 complaints and decided to ignore it.

Bannermans Lawyers, to the best of Lot 158 knowledge, never took any action against BCS Strata Management or Pica Group (their parent company).

<https://www.nswstratasleuth.info/Strata-Community-Australia-NSW-UPDATED-INQUIRY-Code-of-Conduct-review-for-BCS-Strata-Management-13Nov2016.html>

<https://www.productreview.com.au/reviews/1eda081f-3bd8-35d9-98af-a913c22b5e70>

Bannermans Lawyers failed to declare it to NCAT.

10) There is no evidence that Waratah Strata Management and committee members notified insurance company and their broker about the NCAT case and their attempt to engage legal services before Lot 158 did it on 16 January 2025, with emphasis that SP52948 and Solicitor Adrian Mueller had already been engaged in five fraudulent insurance claims for CTTT/NCAT events:

- Four insurance claims for non-existent “Defence of Lot 3” in CTTT Case SCS 12/32675 (where Solicitor Adrian Mueller also claimed his costs in CTTT Case SCS 12/50460 which he did not even represent) after secret insurance policy change several weeks before the first claim. CHU Insurance paid \$24,919.31 (GST excl) in total. Four years later, CHU Insurance forced recovery of \$8,800.00 from SP52948. There are six versions of Solicitor’s Standard Costs Agreement, of which four were forgeries.
- Insurance company paid \$19,758.14 (GST excl) in case SC 20/33352 on 24 March 2022. SUU Insurance got reimbursed one year later for \$14,917.60 (GST excl) when Lot 158 paid Supreme Court “penalty” in amount of \$23,744.42 (GST excl) for the same Solicitor’s claim (\$25,158.14 (GST excl)). There are six versions of alleged legal expenses for Solicitor Adrian Mueller in NCAT case SC 20/33352.

Refer to document **NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1, Sections 9 and 10.**

11) On 24 January 2025, realising that Lot 158 submission to them, Bannermans Lawyers and committee members on 15 January 2025 questioned legal presence at the Directions Hearing with irrefutable evidence that the meeting on 6 January 2025 was invalid and void, notice for yet another rushed committee meeting was published on the walls near notice boards in basement of four buildings and incomplete details on two notice boards near letterboxes. Meeting was scheduled for 6 February 2025.

Their panic reaction to organise a second committee meeting happened after Lot 158 sent email to strata managers and committee members earlier on the same day, 24 January 2025, with Subject line “Re: NCAT 2024/00454780-001 – Lot 158 v Strata Plan SP52948 - Request for Summons to Issue – 24Jan2025”.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-basement-on-24Jan2025-with-minutes-committee-meeting-dated-6Jan2025-and-notice-for-meeting-on-6Feb2025.webp>

11.1) Non-compliant committee meeting on 6 February 2025, which allegedly wanted to approve Bannermans Lawyers engagement had only two Motions without full disclosure of misconduct for the meeting on 6 January 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-basement-on-24Jan2025-with-two-motions-for-committee-meeting-on-6Feb2025.webp>

- In the Explanatory Note for Motion 2, it said:

This motion seeks to formally ratify a previous decision made by the strata committee during its meeting on 6 January 2025, specifically Motion 9. The resolution covers two key actions relating to the NCAT (New South

Wales Civil and Administrative Tribunal) proceedings. This motion aims to ensure that these actions are officially approved and put into effect.

- Tribunal puts high emphasis on “democratic processes” that should govern operation in strata schemes. In SP52948, irrefutable evidence exists that such processes are broken, primarily due to owners not being informed before making decisions, or information given to them being incomplete, false and misleading.
- Present owners corporation and strata committee do not function adequately.
- Reasons for a finding of dysfunction are based on objective evidence.
- Owners corporation was not properly offered to ratify the committee meeting on 6 January 2025 and allow “democratic processes” to make decisions.
- The ratification of a lawful contract has a retrospective effect, and binds the principal from its date, and not only from the time of the ratification, for the ratification is equivalent to an original authority, according to the maxim, that omnis ratihabitio mandata aequiparatur (ratification is equivalent to express command). As a general rule, the principal has the right to elect whether he will adopt the unauthorized act or not. But having once ratified the act, upon a full knowledge of all the material circumstances, the ratification cannot be revoked or recalled, and the principal becomes bound as if he had originally authorised the act.
- The ratification must be voluntary, deliberate, and intelligent, and the party must know that without it, he would not be bound. That process was broken through meeting planned on 6 February 2025.
- This is a repeat of almost identical attempt to coerce the Tribunal and owners in CTTT case SCS 12/32675 that committee meeting allegedly held in unit of unfinancial owner Lot 181 (Mr. Stan Pogorelsky) on 9 July 2012 approved engagement of Solicitor Adrian Mueller.

Tribunal, under strong persistence of Lot 158 at Hearing on 15 April 2013, issued orders to Solicitor Adrian Mueller to provide evidence of his legal engagement by 19 April 2013.

What Solicitor failed to disclose to all parties was a secret email sent to SP52948 Chairperson Mr. Bruce Copland and BCS Strata Management coercing them to provide confirmation that strata manager Mr. Garry Webb signed his Standard Costs Agreement on 25 July 2012, and suggesting to organise urgent committee meeting to approve Motions that Solicitor personally prepared. Agenda for committee meeting scheduled for 26 April 2013 was then time-warped to happen on 19 April 2013 (a week before its schedule).

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Solicitor-Adrian-Mueller-Giving-Secret-Advice-to-Bruce-Copland-and-BCS-Strata-Management-Provide-Signed-Contract-Under-Pressure-After-CTTT-Hearing-15Apr2013.png>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52938-agenda-for-paper-EC-meeting-on-26Apr2013-sent-on-16Apr2013.pdf>

Time-warped meeting on 19 April 2013 happened seven days before due date, without any notification to owners and without agenda on notice boards. In that process, to avoid dangers of email records, strata manager, committee members, and Solicitor Adrian Mueller incurred extremely high courier costs at owners corporation expense in amount of \$851.56:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-minutes-EC-meeting-19Apr2013-sent-on-26Apr2013.pdf>

<https://www.nswstratasleuth.info/SP52948-secret-courier-expenses-for-Solicitor-Adrian-Mueller-preparing-response-to-CTTT-19Apr2013.png>

<https://www.nswstratasleuth.info/SP52948-Peter-Bone-BCS-Strata-Management-admission-of-extremely-high-courier-costs-for-Solicitor-Adrian-Mueller-without-disclosure-to-owners-and-ignored-repeated-issues-with-inequitable-reimbursements-to-selective-townhouse-owners-10Jul2013.html>

The Tribunal ultimately rejected Solicitor Adrian Mueller's defence that the meeting on 9 July 2012 which approved his engagement in CTTT case SCS 12/32675 was valid - ratification failed:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CSC-12-32675-Decision-6Nov2013-BCS6469450.pdf>

77. Initially, when the issue was raised with the Tribunal, the Owners Corporation contend that there was a resolution of the Executive Committee passed on 9 July 2012 authorising the engagement of the

15

lawyers to act on behalf of the Owners Corporation in circumstances where the then estimated legal cost was less than \$12,500.00. However, at the hearing on 10 May 2013, and despite submissions made up until that time, the Owners Corporation did not press the proposition that a resolution of the Executive Committee had been passed on that day. It would seem the reason for that concession is that the email exchange constituting the calling of the meeting and the conduct of the meeting of the Executive Committee occurred in circumstances where either no notice was given as required by the Act or less than 72 hours notice was given of the proposed meeting.

84. This case is referring to a ratification of the acts of agent. Clearly the first resolution (motion 2 in the notice of meeting of 26 April 2013) is not a motion to ratify the actions of an agent or subordinate authority. Rather, it is a motion to approve the actions of the Owner Corporation through the Executive Committee taken on 9 July 2012 which the Owners Corporation has conceded in this application was not validly passed.

85. In my opinion, insofar as motion 2 sought to ratify the appointment of the lawyers to act on behalf of the Owners Corporation it was ineffective to do so. An Executive Committee cannot, in my opinion, use principles of ratification to validate an invalid resolution which the Executive Committee attempted to pass some 9 months earlier.

- Since 2013, Lot 158 warned strata managers and committee members number of times about proper ratification process and risks if it is not done properly:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/Ratification-Brief.pdf>

11.2) Schedule 2 Section 5 of the Strata Schemes Management Act 2015 applies. This specifies that notice of a meeting must be provided to each member of the Committee and each owner at least three days before the meeting. Part 2 of this section allows for the notice to be given by placing the agenda on a noticeboard, if one is maintained by the Owners Corporation.

Around 50% of owners do not live in the complex, so notice boards cannot be used as an exclusive avenue of delivering notices.

11.3) Clause 7 specifies that the notice of a meeting must include a detailed agenda for the meeting, which in this case failed to be met. Notice was not detailed, especially the details of the NCAT orders and the conduct of meeting on 6 January 2025.

Motions must be ruled as "out of order" as they conflicted with the Act, were unlawful, and unenforceable.

11.4) The Interpretations Act 1987 Section 76 specifies that the service of a document by post is taken to have taken effect on the seventh working day after the agenda was posted so this needs to be taken into consideration for the correct notice to be given (if required).

The day of the meeting must be excluded from the calculation of service by post under section 36 of the Interpretation Act 1987 (NSW).

Notice did not satisfy requirements for sending it:

<https://www.nsw.gov.au/housing-and-construction/strata/serving-on-a-committee/how-to-run-a-strata-meeting#toc-strata-committee-meetings>

To call a meeting, the secretary or strata agent must notify every owner at least 3 days beforehand that a meeting is going to happen. The tenant representative must also be notified, if your scheme has one.

The notice must include the planned meeting date, time and place and an agenda.

Actual events in SP52948:

24 January 2025, Day of notice put on notice boards and published, Postage date not included, Notice posted

25 January 2025, Saturday

26 January 2025, Sunday

27 January 2025, Australia Day

28 January 2025, First Working Day

29 January 2025, Second Working Day

30 January 2025, Third Working Day

31 January 2025, Fourth Working Day

1 February 2025, Saturday

2 February 2025, Sunday

3 February 2025, Fifth Working Day

4 February 2025, Sixth Working Day

5 February 2025, Seventh Working Day

Three Notice Days Missing!

6 February 2025, Date of Meeting, not counted

11.5) Strata manager and committee members prevented owners from having information that negative balance (deficit) in Admin Fund reached -\$211,864.18 on the day the notice was put on 24 January 2025, and that figure still did not include monthly salary for building manager in amount of around \$38,000.00 (GST excl) and other undisclosed payments.

Owners and the Tribunal need also to take into account pending insurance premium renewal in amount of around \$122,690.28 (GST excl) for the second half of FY 2025 that is due on 21 March 2025.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-24Jan2025.pdf>

11.6) Another critical issue that was also not listed in agenda for meetings on 6 January 2025 and 6 February 2025: non-compliance with strict orders by SUU Insurance company dated 24 September 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf>

In it, the insurance company stated:

Building Defects

*Additional policy exclusion Building Defects and remedial work exclusion
(applicable to all sections)*

We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports.

Risk Survey

Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request.

Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth).

It is important for the insured to know that Strata Unit Underwriters may make changes to this Policy as a result of a change in the insured's information. When there is a change, Strata Unit Underwriters will inform you. If the insured is not satisfied with the changes, the insured may cancel the policy.

Instead of addressing fire safety concerns promptly, strata manager and committee members sent orders for insurance valuations and risks to BIV Reports only on 8 January 2025 (one and half months after the deadline imposed by SUU Insurance):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-folder-7Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-folder-8Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-folder-BIV-asked-to-update-insurance-valuation-8Jan2025.pdf>

BIV Reports has been confirmed as company with poor quality of services, and they were contacted multiple times to explain their unprofessional assessments in 10-Year Capital Works Fund:

15 April 23017

16 April 2017

15 October 2021

They never replied.

<https://www.nswstratasleuth.info/SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf>

As of mid-February 2025 Waratah Strata Management listed these Open Work Orders for maintenance and evaluation of risks for OH&S and fire safety (two of them opened since February 2024):

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-Open-Work-Orders-folder-27Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Maintenance-Open-Work-Orders-folder-12Feb2025.pdf>

Strata Plan 52948	
Work Orders	Quotes

▼ Open Work Orders

📅 Date	Status	Job Summary	No
08/01/2025	Sent	Update Insurance Valuation	20174
04/10/2024	Sent	Sewer Relining	18992
27/02/2024	Sent	Fire safety equipment repairs	16578
13/02/2024	Sent	Fire safety - fire sprinkler repairs	16467

11.7) One of the Motions at alleged committee meeting on 6 January 2025 was to complete updates for SP52948 on Strata Hub:

Motion 3

Compliance with Strata Hub Requirements

Ordinary Resolution

Submitted by Strata Committee

THAT the strata committee resolves to authorise the strata manager to comply with the owners corporation obligations under Part 7 Division 2 of the Strata Schemes Management Regulation 2016 by inputting the mandatory information into the NSW Strata Hub, this year and on an ongoing basis and to charge in accordance with the terms of its agency agreement including charging the disbursements of \$3 per lot specified under the relevant legislation, or such amount as is determined from time to time.

MOTION RESOLVED

Brief check at at Strata Hub on 28 January 2025 and even as late as 20 February 2025 proved that two months after the AGM, the information was obsolete and not up-to-date.

<https://www.nsw.gov.au/housing-and-construction/strata/strata-search>

<https://www.nswstratasleuth.info/SP52948-year-2025/StrataHub-search-SP52948-28Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/StrataHub-search-SP52948-12Feb2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/StrataHub-search-SP52948-20Feb2025.pdf>

Whilst there is still time to complete it (when scheme has already completed its first strata annual report, to submit annual report on the Strata Hub for the second year and beyond, it must be done within three months of holding the AGM), it is a bad practice to delay it.

Best practices, which are not followed in SP52948, is to have a committee meeting straight after the AGMs, where office bearers would be elected, and some critical issues addressed promptly. Because SP52948 is dysfunctional, that activity almost never happens and Waratah Strata Management is “free” to make any decision as they like, without scrutiny or disclosure to owners and tenants.

Information on Strata Hub still pointed to last AGM being on 26 October 2023, instead of 28 November 2024:

1/27/25, 6:37 AM

Search Strata Scheme

Search by address or strata plan number

☐ Address

☒ Strata plan number

SP52948

Showing 1 result

SP52948

MACQUARIE GARDENS 1-
15 FONTENOY RD,
MACQUARIE PARK NSW
2113
RYDE LGA



[View Map](#)

Registered on 17 Jul 1996
Last AGM on 26 Oct 2023

Strata managing agent

Name: Beaumont Strata
Management Pty Ltd

Licence: 973862

[Verify licence](#)

218 Lots

• 218 residential

✓ Annual reporting completed
on 01 Feb 2024

The pattern of non-compliance with requirements to submit the first Strata Hub report was well documented by Lot 158 in 2023 and 2024, which Waratah Strata Management ignored:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html>

Waratah Strata Management ignored concerns about non-compliance with Strata Schemes Management Amendment (Information) Regulation 2021 seven times since June 2023. Waratah Strata Management did not take any corrective action whilst charging SP52948 in amount of \$678.18 for their work in FY 2023 (they were repeatedly asked to explain if Lot 158 statements were valid but strata manager never replied). This trend continued as of 30 January 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-30Jan2024.png>

Strata agency charged for services they did not deliver in FY 2023:

Admin--Management Fees--Additional Charges 154100

02/12/2022 Online Invoice Approval December 2022	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001528
09/01/2023 Online Invoice Approval January 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001552
02/02/2023 Online Invoice Approval February 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001572
02/03/2023 Online Invoice Approval March 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001595
02/04/2023 Online Invoice Approval April 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001612
02/05/2023 Online Invoice Approval May 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE	001628
02/05/2023 Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	90.00	Paid	DE	001628
02/05/2023 Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	90.00	Paid	DE	001628
02/05/2023 Maintain Strata Hub Records May 2023	Waratah Strata Management Pty Ltd	100.00	Paid	DE	001628
02/05/2023 Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	109.09	Paid	DE	001628
02/05/2023 Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	180.00	Paid	DE	001628

Admin--Strata Hub Fees Paid 156500

02/05/2023 2022	NSW Government Strata Hub	654.00	Paid	BPAY	4315963074	308
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Expenses for Strata Hub annual fee in FY 2023 and 2024 show that nothing was paid in 2023, as per allegedly approved accounts by Economos Auditor:

<https://www.nswstratasleuth.info/SP52948-Economos-Audit-report-FY-ending-31Aug2024.pdf>

Administrative Fund			
	Current period	Annual budget	Previous year
	01/09/2023-31/08/2024	01/09/2023-31/08/2024	01/09/2022-31/08/2023
Revenue			
Gas - Additional Service	2,945.45	2,900.00	2,945.40
Interest - Other	27.29	0.00	0.00
Interest on Arrears--Admin	2,056.69	0.00	976.85
Key Deposits	122.00	0.00	862.00
Levies Due--Admin	942,502.16	980,000.00	810,586.82
Miscellaneous Income--Admin	120.00	0.00	17,040.64
Status Certificate Fees	1,471.50	0.00	1,090.00
Strata Roll Inspection Fees	214.18	0.00	217.00
Total revenue	949,459.27	982,900.00	833,718.71
Less expenses			
Admin--Accounting	800.00	900.00	900.00
Admin--Agent Disbursements	14,477.26	14,593.06	13,771.85
Admin--Agent Disburst--Other	0.00	100.00	100.00
Admin--Auditors--Audit Services	1,300.00	1,200.00	1,205.00
Admin--Auditors--Taxation Services	475.00	475.00	475.00
Admin--Key Deposit Refunds	0.00	0.00	200.00
Admin--Legal & Debt Collection Fees	4,561.93	0.00	2,214.58
Admin--Management Fees--Additional Charges	120.00	120.00	768.18
Admin--Management Fees--Standard	28,022.74	28,246.90	26,663.37
Admin--Online Invoice Approval	120.00	0.00	0.00
Admin--Status Certificate Fees Paid	1,362.50	0.00	981.00
Admin--Strata Hub Annual fee	160.00	0.00	0.00
Admin--Strata Hub Registration Fee	654.00	657.00	654.00
Admin--Strata Inspection Fees Paid	217.00	0.00	248.00

On 31 January 2024, in panic, Waratah Strata Management "managed" to correct obsolete data (not valid for more than one year and three months) at Strata Hub only because Lot 158 made complaints to NSW Fair Trading:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-NSW-strata-registration-31Jan2024-screenshot-taken-on-2Feb2024.png>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-failure-to-assist-in-NSW-Fair-Trading-cases-11138875-and-11204124.html>

11.8) Since 24 January 2025 when meeting scheduled for 6 February 2025 was published on the walls near notice boards in basement of four buildings and incomplete details on two notice boards near letterboxes, Waratah Strata Management website did not have any information about the meeting and its agenda was not published:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-24Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-26Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-27Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-28Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-24Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-25Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-25Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-26Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-26Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-27Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-27Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-28Jan2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-no-scheduled-meetings-v2-28Jan2025.pdf>

Lot 158 collected screenshot from Waratah Strata website each day and has evidence that, even as of 20 February 2025, three different web links (folders) contain no information about alleged meeting on 6 February 2025 Both agenda and minutes were missing).

11.9) By not complying with regulations to send detailed agenda by Post (as an example, Lot 158 never received it), all such owners were deliberately prevented to submit their forms (Authority appointing company nominees, and Owner details form):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-owner-details-form-published-on-walls-in-basement-6Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-authority-appointing-company-nominees-form-published-on-walls-in-basement-6Feb2025.webp>

11.10) A Directions Hearing on 20 February 2025, Bannermans Lawyer appeared and provided statement that she sent printed documents to Lot 158 via express courier. She offered no evidence to back up her claim, and Lot 158 firmly states that she lied, especially since eight committee members and five strata managers had a complaint from Lot 158 since 14 February 2025 and failed to act upon it.

12) Strata manager and committee members prevented owners from having information that negative balance (deficit) in Admin Fund was artificially kept at -\$211,864.18 on 28 January 2025, and that figure still did not include monthly salary for building manager in amount of around \$38,000.00 (GST excl) and other undisclosed payments.

Owners and the Tribunal need also to take into account pending insurance premium renewal in amount of around \$122,690.28 (GST excl) for the second half of FY 2025 that is due on 21 March 2025.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-28Jan2025.pdf>

On 17 January 2025, Lot 158 made a prediction about monthly salary for Uniqueco Property Services again being delayed to avoid showing even higher negative balance for the financial quarter. Building manager is normally paid by around 15th day of the month:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Lot-158-warning-about-NCAT-2024-00454780-001-17Jan2025.pdf>

Extract from Lot 158 email:

For the records, negative balance (deficit) in Admin Fund today was -\$211,143.81. Information about financials is carefully hidden from owners. That figure does not include monthly salary for building manager Uniqueco Property Services in amount of approximately of \$38,000.00 and other possible outgoings.

We predict that Waratah Strata Management might not pay Uniqueco Property Services for January 2025, or hide such information and other payments until the next collection of levies on 1 February 2025.

Manipulating financial data is a common occurrence in SP52948. Last year, at committee meeting on 22 February 2024, Waratah Strata Management was forced to admit they "accidentally" falsified financials since November 2023, with one monthly salary for Uniqueco Property Services and gas usage payments missing in total amount of around \$29,000.00:

Date	161300 Maint Bldg--Building Management (monthly salary)	Comments
31 August 2023	\$28,877.98	Standard monthly salary
30 September 2023	\$31,764.07	Salary increased without decision at general meeting, in non-compliance with building manager fixed-fee three year contract; negative balance in Admin Fund was -\$39,259.22, without disclosure to owners
25 October 2023	\$28,877.98	Salary reported two weeks after regular schedule, after Lot 158 sent warning about AGM 2023 SP52948-AGM-2023-misconducts-and-risks-24Oct2023 ; at AGM 2023 Lot 158 prevented contract renewal for building manager due to non-compliant Motion which strata manager presented
30 November 2023	\$0.0	EGM 2023 approved three-year contract renewal with Uniqueco Property Services without valid tender and without compliance for organising the meeting, whilst hiding information that Admin Fund had negative balance of \$131,161.52, without disclosure to owners
20 December 2023	\$29,517.85	Monthly salary for Nov 2023 still missing; negative balance in Admin Fund was -\$267,755.06, without disclosure to owners
22 January 2024	\$28,877.98	Monthly salary for Nov 2023 still missing; negative balance in Admin Fund was -\$267,755.06, without disclosure to owners
14 February 2024	\$38,803.44	Negative balance (deficit) in Admin Fund reached -\$87,895.04, without disclosure to owners; Lot 158 document search of strata documents on 13 February 2024 confirmed that Waratah Strata Management had no signed version of renewed contract with Uniqueco Property Services in spite of contract expiring on 31 January 2024; salary increase for the building manager was close to 30%

<https://www.nswstratasleuth.info/SP52948-request-by-Lot-158-to-Waratah-Strata-management-on-25Feb2024-to-update-all-financial-reports-since-November-2023.html>

<https://www.nswstratasleuth.info/SP52948-dubious-contract-with-Uniqueco-Property-Services.html>

<https://www.nswstratasleuth.info/SP52948-pending-legal-case-to-terminate-contract-with-Uniqueco-Property-Services-detailed-summary.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-30Nov2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-31Dec2023-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-on-31Jan2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-accounting-differences-for-status-for-late-Feb2024-found-on-Waratah-Strata-Management-website-27Feb2024.pdf>

13) Tribunal should be fully aware that wasting money on legal costs is against any benefits to owners corporation.

13.1) Bleak scenario for financial period starting on 1 February 2025 (collection of new levies) - second quarter for FY 2025 (period from 1 February 2025 to 31 May 2025) will have these unavoidable expenses:

Insurance premium renewal for second half of FY 2025 = around \$122,690.28

Two monthly salaries for building manager Uniqueco Property Services in amount of approximately \$38,000.00 per month

Taking into account other recurring expenses (water, gas, electricity, and so on), Admin Fund will continue to be in significant deficit for most of second quarter of FY 2025.

SUU Insurance increased SP52948 premiums in September 2024 by 34.98% due to long-term fire safety, OH&S, and legal risks.

13.3) Just two days before the end of the quarter, Waratah Strata Management suddenly updated the financial status.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-morning-29Jan2025.pdf>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-afternoon-29Jan2025.pdf>

Massive differences between morning and afternoon on 29 January 2025 were obvious. Negative balance (deficit) grew from -\$211,864.18 to -\$282,251.22, without disclosure to owners.

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-massive-differences-in-Admin-Fund-between-morning-and-afternoon-29Jan2025.pdf>

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund		Current period 01/09/2024-29/01/2025	Previous year 01/09/2023-31/08/2024
164800	Maint Bldg-Electrical	4,049.33	14,599.76
165600	Maint Bldg-Exhaust/Ventilation Systems	220.00	1,560.00
165800	Maint Bldg-Fire Protection Repairs	2,372.50	15,518.00
166600	Maint Bldg-Garage Doors	1,501.00	6,288.81
167000	Maint Bldg-Garbage Compactor/Chute Cleaning	826.83	0.00
167200	Maint Bldg-General Repairs	1,497.46	7,920.90
167600	Maint Bldg-Glass	2,100.00	0.00
168000	Maint Bldg-Gym Equipment	390.00	1,530.00
168800	Maint Bldg-Hot Water Service	0.00	1,344.80
168900	Maint Bldg-Hygiene Services	0.00	739.26
169600	Maint Bldg-Intercom	1,690.00	4,470.00
170200	Maint Bldg-Lift	9,607.13	27,730.30
170203	Maint Bldg-Lift-Registration Fees	0.00	89.40
170600	Maint Bldg-Locks, Keys & Card Keys	2,471.99	8,023.00
172000	Maint Bldg-Pest/Vermin Control	150.00	2,209.09
172200	Maint Bldg-Plumbing & Drainage	11,135.19	16,706.21
172400	Maint Bldg-Pumps & Water Equipment	100.00	387.00
172800	Maint Bldg-Roof & Gutters	3,700.00	5,276.36
174600	Maint Bldg-Telephone Lines	79.46	633.07
175400	Maint Bldg-Wall Paper	120.00	0.00
175600	Maint Bldg-Walls	100.00	0.00
175800	Maint Bldg-Walls & Ceilings	1,113.64	4,142.72
176400	Maint Grounds-Driveway & Paths	0.00	280.00
178400	Maint Grounds-Lawns & Gardening	135.00	0.00
178900	Maint Grounds-Paving	480.00	921.81
179200	Maint Grounds-Pool	1,509.27	2,823.40
179203	Maint Grounds-Pool Consumables	0.00	891.79
179600	Maint Grounds-Tennis Court	0.00	418.18
180000	Maint Grounds-Tree Lopping/Removal	300.00	15,461.37
181100	Reimbursements - Gas Usage	178.46	495.01
181101	Reimbursements - Water Usage	1,692.02	3,153.89
190200	Utility-Electricity	22,435.01	54,838.28
190400	Utility-Gas	16,779.30	30,053.99
190800	Utility-Rubbish Removal	0.00	72.27
191200	Utility-Water & Sewerage	25,156.74	107,238.20
	Total expenses	411,825.89	1,001,164.29
	Surplus/Deficit	(166,279.89)	(51,705.02)
	Opening balance	(45,584.29)	6,120.73
	Closing balance	-\$211,864.18	-\$45,584.29
29/01/2025 18:22 Web generated report Waratah Strata Management Pty Ltd Page 2			

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund		Current period 01/09/2024-29/01/2025	Previous year 01/09/2023-31/08/2024
164800	Maint Bldg-Electrical	4,049.33	14,599.76
165600	Maint Bldg-Exhaust/Ventilation Systems	220.00	1,560.00
165800	Maint Bldg-Fire Protection Repairs	2,372.50	15,518.00
166600	Maint Bldg-Garage Doors	2,201.00	6,288.81
167000	Maint Bldg-Garbage Compactor/Chute Cleaning	826.83	0.00
167200	Maint Bldg-General Repairs	1,497.46	7,920.90
167600	Maint Bldg-Glass	2,100.00	0.00
168000	Maint Bldg-Gym Equipment	390.00	1,530.00
168800	Maint Bldg-Hot Water Service	0.00	1,344.80
168900	Maint Bldg-Hygiene Services	0.00	739.26
169600	Maint Bldg-Intercom	1,690.00	4,470.00
170200	Maint Bldg-Lift	9,607.13	27,730.30
170203	Maint Bldg-Lift-Registration Fees	0.00	89.40
170600	Maint Bldg-Locks, Keys & Card Keys	2,471.99	8,023.00
172000	Maint Bldg-Pest/Vermin Control	150.00	2,209.09
172200	Maint Bldg-Plumbing & Drainage	11,330.19	16,706.21
172400	Maint Bldg-Pumps & Water Equipment	100.00	387.00
172800	Maint Bldg-Roof & Gutters	3,700.00	5,276.36
174600	Maint Bldg-Telephone Lines	79.46	633.07
175400	Maint Bldg-Wall Paper	120.00	0.00
175600	Maint Bldg-Walls	100.00	0.00
175800	Maint Bldg-Walls & Ceilings	1,113.64	4,142.72
176400	Maint Grounds-Driveway & Paths	0.00	280.00
178400	Maint Grounds-Lawns & Gardening	135.00	0.00
178900	Maint Grounds-Paving	480.00	921.81
179200	Maint Grounds-Pool	1,598.91	2,823.40
179203	Maint Grounds-Pool Consumables	0.00	891.79
179600	Maint Grounds-Tennis Court	0.00	418.18
180000	Maint Grounds-Tree Lopping/Removal	300.00	15,461.37
181100	Reimbursements - Gas Usage	178.46	495.01
181101	Reimbursements - Water Usage	1,692.02	3,153.89
190200	Utility-Electricity	22,435.01	54,838.28
190400	Utility-Gas	16,779.30	30,053.99
190800	Utility-Rubbish Removal	0.00	72.27
191200	Utility-Water & Sewerage	58,257.24	107,238.20
	Total expenses	482,212.93	1,001,164.29
	Surplus/Deficit	(236,666.93)	(51,705.02)
	Opening balance	(45,584.29)	6,120.73
	Closing balance	-\$282,251.22	-\$45,584.29
29/01/2025 17:23 Web generated report Waratah Strata Management Pty Ltd Page 2			

End of quarter recorded negative balance (deficit) in amount of -\$299,011.55 on 31 January 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-afternoon-31Jan2025.pdf>

13.14) On 29 January 2025, legal expenses in amount of around \$3,000.00 were recorded in Admin Fund, without disclosure for whom and why:

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund		Current period 01/09/2024-29/01/2025	Previous year 01/09/2023-31/08/2024
Revenue			
141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears-Admin	406.00	2,056.69
142800	Key Deposits	0.00	122.00
143000	Levies Due-Admin	245,000.00	942,502.16
144000	Miscellaneous Income-Admin	0.00	120.00
146500	Status Certificate Fees	109.00	1,471.50
147000	Strata Roll Inspection Fees	31.00	214.18
	Total revenue	245,546.00	949,459.27
Less expenses			
150200	Admin-Accounting	400.00	800.00
153800	Admin-Agent Disbursements	6,384.50	14,477.26
150800	Admin-Auditors-Audit Services	1,500.00	1,300.00
150900	Admin-Auditors-Taxation Services	0.00	475.00
152150	Admin-Honorarium	480.38	0.00
153000	Admin-Key Deposit Refunds	(244.00)	0.00
153200	Admin-Legal & Debt Collection Fees	(340.00)	4,561.93

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund		Current period 01/09/2024-29/01/2025	Previous year 01/09/2023-31/08/2024
Revenue			
141900	Gas - Additional Service	0.00	2,945.45
142400	Interest - Other	0.00	27.29
142500	Interest on Arrears-Admin	406.00	2,056.69
142800	Key Deposits	0.00	122.00
143000	Levies Due-Admin	245,000.00	942,502.16
144000	Miscellaneous Income-Admin	0.00	120.00
146500	Status Certificate Fees	109.00	1,471.50
147000	Strata Roll Inspection Fees	31.00	214.18
	Total revenue	245,546.00	949,459.27
Less expenses			
150200	Admin-Accounting	400.00	800.00
153800	Admin-Agent Disbursements	6,384.50	14,477.26
150800	Admin-Auditors-Audit Services	1,500.00	1,300.00
150900	Admin-Auditors-Taxation Services	0.00	475.00
152150	Admin-Honorarium	480.38	0.00
153000	Admin-Key Deposit Refunds	(244.00)	0.00
153200	Admin-Legal & Debt Collection Fees	3,037.27	4,561.93

If they were for Bannermans Lawyers or Solicitor Adrian Mueller, they would be illegal due to pack of proper authorisation to incur such costs.

14) As of 20 February 2025, documents folder on Waratah Strata Management still did not record:

- Agenda for committee meeting allegedly sent on 24 December 2024 (day before major public holiday when almost all owners and tenants were away!),
- Minutes of committee meeting on 6 January 2025,
- Agenda for committee meeting allegedly sent on 24 January 2025,
- Minutes of committee meeting on 6 February 2025.

To avoid possibility of anyone questioning the above statements, video recording of Waratah Strata website was made on 12 February 2025 (more video evidence up to 20 February 2025 is also available):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Waratah-Strata-website-document-status-12Feb2025.mp4>

14.2) All six SP52948 notice boards still did not display minutes of meeting on 6 February 2025:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-A-notice-board-12Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-B-notice-board-12Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-C-notice-board-12Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Block-D-notice-board-12Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-letterbox-1-notice-board-12Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-letterbox-2-notice-board-12Feb2025.webp>

14.3) Lot 158, and possibly all other owners relying on postal documents, did not receive notices and minutes of committee meetings dated 6 January 2025 and 6 February 2025.

14.4) Instead of minutes of the latest committee meeting, which was allegedly supposed to ratify engagement of Bannermans Lawyers, walls in basement of four builds were still displaying notices for committee meeting allegedly held on 6 February 2025 (six days after the event):

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.webp>

Same applied to two notice boards near letterboxes:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-letterbox-1-notice-board-12Feb2025.webp>

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-letterbox-2-notice-board-12Feb2025.webp>

Video recording on each page of this notice was documented in Block A:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-12Feb2025.mp4>

This continued until the day of Directions Hearing on 20 February 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-B-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-C-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-D-still-displaying-old-agenda-for-meeting-scheduled-for-6Feb2025-on-19Feb2025.mp4>

14.5) As no document were presented by Bannermans Lawyers before or at Directions Hearing on 20 February 2025, they continued to make profits for themselves whilst showing they were not competent to represent owners corporation, not having any knowledge of operation of SP52948, and continuing to exhibit significant conflict of interest.

15) Considering fairness and equal rights that the Tribunal aims to provide to all parties (Lot 158 was prevented from issuing summonses simply due to procedural error of not submitting a correct form, which means the Tribunal is very pedantic about procedures and their validity), evidence of lawyers' conflicts of interest, and failures to conduct meetings in accordance with strata laws, there is no valid reason to allow Bannermans Lawyers to represent SP52948 and waste owners money at NCAT Hearings.

15.1) At Directions Hearing, Bannermans Lawyer stated that she did not represent or act on behalf of Mr. Stan Pogorelsky, That means Mr. Pogorelsky should attend the Hearing in person and be forced to submit evidence.

15.2) At Directions Hearing on 20 February 2025, Presiding Tribunal Member did not want to discuss or deal with the summonses, and left it to the Admin Officers to deal with it.

As per Directions Hearing Orders on 20 February 2025, scheduling the Hearing for April or May 2025, Lot 158 resubmitted the application for summons as there was plenty of time to service summons with five clear working days.

The nine documents that are requested will significantly simplify costs and time to make proper decisions at the Hearing:

a) Detailed Revenue for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 was financial to vote and be a committee member.

b) Detailed Expenses for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 did not receive any payments from common funds.

c) Detailed Expenses for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing) - proof Lot 181 did not receive any payments from common funds.

d) Detailed Revenue for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing) - proof Lot 181 was financial to vote and be a committee member.

e) Levy invoices for Mr. Stan Pogorelsky (Lot 181) in period from 1 February 2017 to the date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing - proof Lot 181 was financial to vote and be a committee member.

f) Evidence and results of SP52948 obtaining independent legal advice in regards to Lot 158 claims of Solicitor Adrian Mueller's corruption and Lot 158 being a committee member, as recommended by the Solicitor himself in email to SP52948 representatives on 9 June 2022.

g) Evidence of SP52948 Barrister's response to O'Brien Criminal & Civil Solicitors (who acted on Lot 158 behalf) with answer if Lot 158 was valid committee member, as approved at committee meeting on 7 May 2020.

h) Evidence of Bitcoin payment in amount of \$5,052.03 for ransomware attack in February 2019 (including name of benefactor and proof of ransom payment, date the Police notified and the Event number, date mandatory data breach notification was completed with Australian Cybercrime Online Reporting Network (ACORN) - proof that strata files for period prior to February 2017 were lost and Lot 181 had no files to prove he was financial to vote and be a committee member.

i) Current contract with Uniqueco Property Services – check if Lot 181 signed it while unfinancial to vote and be a committee member.

16) Irrefutable facts show that Bannermans Lawyers fraudulently misrepresented SP52948 at Directions Hearing on 15 January 2025 and 20 February 2025 – they did not have proper authorisation to attend the event.

Bannermans Lawyers, at Directions Hearing on 15 January 2025 and 20 February 2025, showed serious contempt of court and legal procedures.

Item	Committee meeting on 6 January 2025	Committee meeting on 6 February 2025
Compliance with Interpretations Act 1987 Section 76	<p>Non-compliant</p> <p>24 December 2024, Day of notice put on notice boards and published, Postage date not included</p> <p>25 December 2024, Christmas Day</p> <p>26 December 2024, Boxing Day</p> <p>27 December 2024, First Working Day</p> <p>28 December 2024, Saturday</p> <p>29 December 2024, Sunday</p> <p>30 December 2024, Second Working Day</p> <p>31 December 2024, Third Working Day</p> <p>1 January 2025, New Year's Day</p> <p>2 January 2025, Fourth Working Day</p> <p>3 January 2025, Fifth Working Day</p> <p>4 January 2025, Sixth Working Day</p> <p>5 January 2025, Seventh Working Day</p> <p>Three Notice Days Missing!</p> <p>6 January 2025, Date of Meeting, not counted</p>	<p>Non-compliant</p> <p>24 January 2025, Day of notice put on notice boards and published, Postage date not included</p> <p>25 January 2025, Saturday</p> <p>26 January 2025, Sunday</p> <p>27 January 2025, Australia Day</p> <p>28 January 2025, First Working Day</p> <p>29 January 2025, Second Working Day</p> <p>30 January 2025, Third Working Day</p> <p>31 January 2025, Fourth Working Day</p> <p>1 February 2025, Saturday</p> <p>2 February 2025, Sunday</p> <p>3 February 2025, Fifth Working Day</p> <p>4 February 2025, Sixth Working Day</p> <p>5 February 2025, Seventh Working Day</p> <p>Three Notice Days Missing!</p> <p>6 February 2025, Date of Meeting, not counted</p>
Agenda and minutes of meeting sent to Lot 158	No	No
Agenda detailed	No	No
Bannermans Lawyers Standard Costs Agreement published for owners in agenda for the meeting (status as of 20 February 2025)	No	Yes

Item	Committee meeting on 6 January 2025	Committee meeting on 6 February 2025
<p>NCAT Orders and full details of case published for owners in agenda for the meeting (status as of 20 February 2025)</p> <ul style="list-style-type: none"> • Application Notice, issued by NCAT on 6 December 2024. • Notice of Directions Hearing, issued by NCAT on 10 December 2024. • Add two more Orders, Lot 158 email by NCAT on 10 December 2024. • Stan Pogorelsky still UNFINANCIAL and ILLEGAL TO VOTE and BE COMMITTEE MEMBER, Lot 158 email on 22 December 2024. • Request for summons to Stan Pogorelsky, Lot 158 email on 12 January 2025. • All Lot 158 Files, Lot 158 email on 14 January 2025. • Bannermans Lawyers conflict of interest, Lot 158 email on 15 January 2025. • UPDATES, Lot 158 email on 17 January 2025. • Notice of Listing, issued by NCAT on 21 January 2025. • Request for Summons to Issue – 24Jan2025, Lot 158 email on 24 January 2025. 	No	No

Item	Committee meeting on 6 January 2025	Committee meeting on 6 February 2025
Legal expenses of around \$3,000.00 in Admin Fund published for owners in any correspondence since 29 January 2025 https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-massive-differences-in-Admin-Fund-between-morning-and-afternoon-29Jan2025.pdf	N/A	No
NCAT Directions Hearing dated 10 December 2024 published for owners	No	No
Bannermans Lawyer appeared at NCAT Directions Hearing with compliant accreditation (signed Standard Costs Agreement as per their own requirement on page 3) before NCAT Directions Hearing on 15 January 2025	No	N/A
Bannermans Lawyer appeared at NCAT Directions Hearing with compliant accreditation (signed Standard Costs Agreement as per their own requirement on page 3) before NCAT Directions Hearing 20 February 2025	No	No
Agenda for committee meeting (to ratify meeting on 6 January 2025) sent on 24 January 2025 as published on notice boards had signed copy of Bannermans Lawyers Standard Costs Agreement	N/A	No

Item	Committee meeting on 6 January 2025	Committee meeting on 6 February 2025
<p>Owners notified about two committee meetings that were scheduled for 23 May 2024 (main Motion was the tender analysis and recommendation prepared by CORE Consulting Engineers for fire safety remediation works) and 19 September 2024 (main Motion was discussion on NSW Fair Trading Mediation case 00994497) but never happened:</p> <p>https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-EC-meeting-scheduled-for-19Sep2024.webp</p> <p>https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-A-notice-board-agenda-for-EC-meeting-23May2024.webp</p>	No	No
<p>Owners notified about committee meeting on 2 April May 2024 that did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW)</p>	<p>No</p> <p>Significant legal expenses were recorded in Income & Expenditure Report on 23 May 2024 - jump from \$921.93 on 22 May 2024 to \$4,471.93 on 23 May 2024. Waratah Strata Management still hide details of these payments:</p> <p>https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-significant-legal-expenses-23May2024.png</p> <p>Solicitor Adrian Mueller was allegedly engaged to provide these services, without any results published for owners:</p> <p>(i) provide advice in relation to recent communication from Lot 158; and</p> <p>(ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.</p>	<p>No</p> <p>Significant legal expenses were recorded in Income & Expenditure Report on 23 May 2024 - jump from \$921.93 on 22 May 2024 to \$4,471.93 on 23 May 2024. Waratah Strata Management still hide details of these payments:</p> <p>https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-significant-legal-expenses-23May2024.png</p> <p>Solicitor Adrian Mueller was allegedly engaged to provide these services, without any results published for owners:</p> <p>(i) provide advice in relation to recent communication from Lot 158; and</p> <p>(ii) draft additional by-law for storage of electric bikes, scooters and other electric lithium battery powered mobility equipment.</p>

Item	Committee meeting on 6 January 2025	Committee meeting on 6 February 2025
<p>Non-compliance with SUU Insurance Risk dated 24 September 2024:</p> <p>https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Insurance-Policy-24Sep2024.pdf</p> <p><i>Building Defects</i> <i>Additional policy exclusion</i> <i>Building Defects and remedial work exclusion</i> <i>(applicable to all sections)</i> <i>We will not pay any claims for Damage, Personal Injury, Property Damage, Loss, or legal expenses caused directly or indirectly by, contributed by or arising from any of the defect in any item, structural defect, faulty design, faulty workmanship error or omission as outlined within the report issued by Fire and rescue NSW dated 08/11/2019 and any subsequent reports.</i></p> <p><i>Cover under this policy is subject to a Risk Survey being conducted by Strata Unit Underwriters and implementation by the insured of any suggested risk improvements within 60 days of request.</i></p> <p><i>Should the insured not make the reasonable suggested risk improvements within 60 days of request, and should the Risk Survey of the premises show an increased risk of loss, damage or liability in relation to the premises, Strata Unit Underwriters may charge an additional premium, change the cover of your policy and/or impose special conditions to reflect the increased risk of loss, damage or liability. Strata Unit Underwriters may also cancel the policy if permitted by the Insurance Contracts Act 1984 (Cth).</i></p>	<p>Not published in agenda and minutes of meeting on 6 January 2025</p>	<p>Not published in agenda and minutes of meeting on 6 February 2025</p>
<p>Agenda for meeting published on Waratah Strata website in Documents folder (status as of 20 February 2025)</p>	<p>No</p>	<p>No</p>

Item	Committee meeting on 6 January 2025	Committee meeting on 6 February 2025																					
Minutes of meeting published on Waratah Strata website in Documents folder (status as of 20 February 2025)	No	No																					
Meeting announced on Waratah Strata website in Meetings folder (status as of 20 February 2025)	No	No																					
Meeting announced on Waratah Strata website on landing page (status as of 20 February 2025)	No	No																					
Minutes of meeting published on notice boards (status as of 20 February 2025)	Yes, with significant delays Published on 24 January 2025 (18 days after the event)	No Missing for eight days after the event																					
Financial status published in agenda for the meeting on 24 December 2024	No Negative balance (deficit) in Admin Fund was -\$196,041.57	N/A																					
Financial status published in minutes of the meeting on 6 January 2025	No Negative balance (deficit) in Admin Fund was -\$196,041.57	N/A																					
Financial status published in agenda for the meeting on 24 January 2025	N/A	No Negative balance (deficit) in Admin Fund was -\$211,864.18																					
Financial status published in minutes of the meeting on 6 February 2025	N/A	No Balance in Admin Fund was \$20,277.56 (after collection of new levies on 1 February 2025 – no further revenue until 1 May 2025)																					
Financial status published for owners in any correspondence on 20 February 2025	N/A	No Negative balance (deficit) was - \$48,227.14																					
Financial status for end of quarter (31 January 2025) published to owners in any correspondence (status as of 14 February 2025)	N/A	No Negative balance (deficit) in Admin Fund was -\$299,011.55																					
Financial status published to owners in any correspondence (status as of 14 February 2025)	N/A	No Balance in Admin Fund was \$5,844.12 (no further revenue until 1 May 2025)																					
Items listed on Waratah Strata website in Maintenance Open Work Orders	<p>Three items</p> <table> <tr> <td>04/10/2024</td><td>Sent</td><td>Sewer Relining</td></tr> <tr> <td>27/02/2024</td><td>Sent</td><td>Fire safety equipment repairs</td></tr> <tr> <td>13/02/2024</td><td>Sent</td><td>Fire safety - fire sprinkler repairs</td></tr> </table>	04/10/2024	Sent	Sewer Relining	27/02/2024	Sent	Fire safety equipment repairs	13/02/2024	Sent	Fire safety - fire sprinkler repairs	<p>Four items</p> <table> <tr> <td>08/01/2025</td><td>Sent</td><td>Update Insurance Valuation</td></tr> <tr> <td>024</td><td>Sent</td><td>Sewer Relining</td></tr> <tr> <td>024</td><td>Sent</td><td>Fire safety equipment repairs</td></tr> <tr> <td>024</td><td>Sent</td><td>Fire safety - fire sprinkler repairs</td></tr> </table>	08/01/2025	Sent	Update Insurance Valuation	024	Sent	Sewer Relining	024	Sent	Fire safety equipment repairs	024	Sent	Fire safety - fire sprinkler repairs
04/10/2024	Sent	Sewer Relining																					
27/02/2024	Sent	Fire safety equipment repairs																					
13/02/2024	Sent	Fire safety - fire sprinkler repairs																					
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024	Sent	Sewer Relining																					
024	Sent	Fire safety equipment repairs																					
024	Sent	Fire safety - fire sprinkler repairs																					
SP52948 complied with NCAT Directions Hearing Order to provide the Tribunal and Lot 158 with their responses in printed format by or on 12 February 2025 (status as of 20 February 2025, 8 days after the deadline)	N/A	No Bannermans Lawyer J. Pham lied to the Tribunal that she sent express letter to Lot 158 at Directions Hearing on 20 February 2025 (Lot 158 insisted that she proved it so that her evidence can be verified)																					
Bannermans Lawyers signed Standard Costs Agreement provided to owners or published for owners (status as of 20 February 2025)	No	No																					

Item	Committee meeting on 6 January 2025	Committee meeting on 6 February 2025
Strata Hub updated since AGM on 28 November 2025 (status as of 20 February 2025)	No	No
Monthly salary for building manager Uniqueco Property Services in amount of around \$38,000.00 paid on time (usually by around 10 th to 15 th of each month)	No Paid belatedly on 29 January 2025	Paid belatedly on 19 February 2025
Lot 158 documents provided to owners and published on Waratah Strata website	No	No

17) NCAT can make disciplinary findings and orders against a legal practitioner for unsatisfactory professional conduct or professional misconduct, especially in cases where their behaviour was persistent, repetitive, and deliberate.

Tribunal should strike them out from the proceedings without further delays and force strata manager(s) and committee members to take their stand and attend sessions themselves. After all, is that not what democratic processes should be about?