

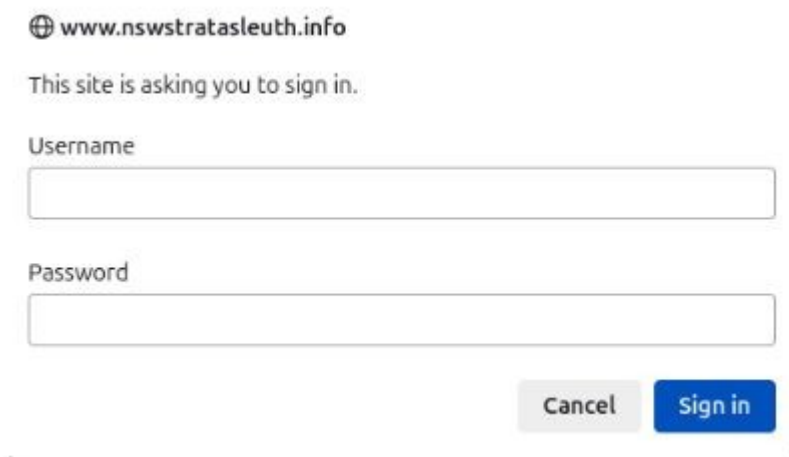
NCAT case 2024/00454780
Third Directions Hearing and non-compliance by Mr. Stan Pogorelsky
The Applicant's Statements submitted on 10 April 2025 and updated on 11 April 2025 to add
secret solicited signature gathering which Mr. Stan Pogorelsky organised

My submissions in NCAT case, are provided not only in printed form, but also 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

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

1) There is a strong suspicion that Mr. Stan Pogorelsky might coerce the Tribunal at tomorrow's third Directions Hearing to delay the Hearing date, currently set for 22 April 2025, under disguise that he needs more time to comply with the summonses, but actually wants to yet again (for the third time) "ratify" committee's decision to engage Bannermans Lawyers they allegedly made on 6 January 2025.

My statement is based on the fact that:

- As of today, the day of the Directions Hearing, I did not receive any of the requested files that Mr. Pogorelsky had to provide to the Tribunal and myself by or on 21 March 2025 (as per summonses issued by the Tribunal).

The summonses files are very important not only for this NCAT case, but also the Police, NSW Fair Trading, and Office of Legal Services Commissioner and NSW Law Society (investigations of misconduct of Solicitor Adrian Mueller).

The Police notified me that Solicitor Adrian Mueller and Waratah Strata Management refused to co-operate with them and gave statements that the Tribunal with deal with Police Events 174560202 and E65804633, which I presented in evidence for Mr. Stan Pogorelsky.

- Mr. Pogorelsky, and other committee members and strata managers, was informed and fully notified about my summonses on 1 and 22 December 2024. No reply was received from him, strata managers, or any other committee member.

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

- Mr. Pogorelsky, whilst unfinancial, actively supported Solicitor Adrian Mueller and strata manager to coerce CTTT to reject Lot 158 requests to issue summonses in case SCS 12/32675 two times in 2013.

Summonses for strata manager Mr. Peter Bone, and committee members Mr. Bruce Copland, Mr. John Ward, Mrs. Maureen McDonald were rejected by CTTT on 5 March 2013:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130224-ADVANCED%20NOTICE%20Peter%20Bone%20will%20be%20issued%20with%20CT-30260.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20Peter%20Bone%20t-30306.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20Bruce%20Coplan-30247.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20John%20Ward%20to-30320.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130306-SUMMARY%20SP52948%20Personal%20Summons%20for%20Maureen%20McDo-30261.pdf>

Tribunal rejected Lot 158 requests, without any reasonable explanations on 5 March 2013.

Summonses for strata manager and committee members (this time Mr. Pogorelsky was included too) was rejected by CTTT on 29 April 2013:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20130426-ADVANCE%20NOTICE%20SP52948%20CTTT%20case%20SCS%2012%2032675%20You-30294.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-CTTT-SCS-12-32675-summons-26Apr2013-rejected-29Apr2013.pdf>

On 8 May 2022, Lot 158 reminded NCAT that the Tribunal never reimbursed him for rejected summonses and even after evidence of payments was provided in additional emails, the Tribunal failed to return the money to Lot 158 on 29 September 2022:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20220508-NCAT%20REGISTRY%20for%20Deputy%20Divisional%20Registrar%20Upd-41409.pdf>

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20220929-Re_RECEIPTS%20FOUND%20-%20NCAT%20REGISTRY%20for%20Deputy%20Divis-43054.pdf

- In the agenda for AGM 2024, Waratah Strata Management and committee members made three major false allegations against myself, including the statements that they declined to attend FREE mediation at NSW Fair Trading but planned to spend up to \$25,000.00 further legal costs in FY 2025:

3) Legal Costs

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.

In total, an additional half a million dollars has had to be provided for in this financial year's budget due to the actions of Lot 158!

- Some owners provided me with oral statements that Mr. Stan Pogorelsky and building manager Mr. Steve Carbone organised collection of signatures to "prove how well they work for the complex", without providing owners with any files in the NCAT case.

They organised a solicited signature gathering for a particular purpose (a petition or other legal document) through active outreach and persuasion. Their canvassing was deliberate and orchestrated that owners did not make an informed consent (crucial to ensure that individuals were aware of what they were signing and that they understood the consequences of their signature). This is the same process they ran in 2011, which is documented in my submission on page 11:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-2024-00454780-001-remove-committee-member-Stan-Pogorelsky-SSMA-2015-Sec238-part-1-updated-29Jan2025.pdf>

Mr. Pogorelsky fully supported signature campaign, as organised by his close friend, who was also an unfinancial owner, Mr. Moses Levitt, on 17 February 2011:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/CTTT-SCS-11-00711-signature-campaign-organised-by-unfinancial-EC-member-Moses-Levitt-full-summary-17Feb2011.pdf>

Extract from his submission:

I have no concerns regarding the administration of the affairs of our Strata Plan and believe that all involved in the management carry out their duties to a good standard, that they are honest in their Endeavour's and that owners are regularly advised on matters affecting the property.

- Waratah Strata Management and committee members attempted to conduct Extraordinary General Meeting on 25 March 2025 through illegal processes and, most probably due to fears of being uncovered, decided to hide this meeting as though it had never happened (more details are below).
- This is a third non-compliance with the Tribunal Orders by SP52948 and Mr. Stan Pogorelsky:

Directions Hearing on 15 January 2025
 Directions Hearing on 20 February 2025
 Order for summonses on 7 March 2025

- On 7 April 2025, Waratah Strata Management and committee members rushed the process to conduct another Extraordinary General Meeting, set for 1 May 2025 for ONLY ELECTRONIC VOTING at 10:00 hours where most of owners will not attend due to their work and without providing detailed agenda for the meeting (most of Tribunal files are hidden from owners), where one of the most important Motion was number 3 to engage Bannermans Lawyers and appoint the strata committee as point of contact.

This Motion shows their fear that committee meetings on 6 February 2025 (which allegedly already “ratified” decisions of meeting on 6 January 2025), were flawed and legally void and invalid.

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-notice-EGM-for-1May2025-created-7Apr2025.pdf>

- 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 failed to address my concerns about their conflict of interest and illegal representation, which was submitted in my evidence on 29 January 2025:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure-29Jan2025.pdf>

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

Strata Manager Alex Tomasko sent me an automated email response on 19 March 2025 (a day before the second Directions Hearing), where he stated that he was attending the Hearing on 20 March 2025. The question is why was he not allowed to attend, who persuaded him not to attend, and why Bannermans Lawyers attended without legally-approved engagement:

Thank you for your email.

I am out of the office attending a hearing on **Thursday, 20 February 2025**. Please note that I will not be monitoring emails during my absence. I will endeavour to respond to your email as quickly as possible upon my return.

If your matter is urgent, please contact the office on 9114 9599 where your call will be directed to an alternate team member to assist with your urgent matter.

Thank you for your patience.

https://www.nswstratasleuth.info/NCAT-2024-00454780-001/20250219-Automatic%20reply_%20COMPLAINT_%20NCAT%202024_00454780-001-73575.pdf

2) Mr. Pogorelsky did not make any attempt to contact me or offer assistance to avoid the Tribunal's case.

3) In an attempt to justify their illegal actions, fully supported by the committee members and Mr. Stan Pogorelsky, Waratah Strata Management conducted "stealth" Extraordinary General Meeting in period from 3 March 2025 to 7 April 2025.

3.1) At 16:23 hours on 3 March 2025, Waratah Strata Management folder "Meetings" had no scheduled meetings:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Meetings-folder-no-scheduled-meetings-3Mar2025.pdf>

3.2) Several hours later, at 20:13 hours on 3 March 2025, Waratah Strata Management folder "Meetings" announced an Extraordinary General Meeting:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Meetings-folder-scheduled-meetings-evening-3Mar2025.pdf>

The Extraordinary General Meeting was scheduled for 25 March 2025, at 10:00 hours in the morning (when most of owners would not be able to attend), and allowed electronic voting only:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Meetings-folder-scheduled-meeting-v2-3Mar2025.pdf>

At the same time, "Documents" folder did not have a published agenda for this meeting:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-Document-folder-page-1-evening-3Mar2025.pdf>

4) Extraordinary General Meeting on 25 March 2025, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 1, Section 4 (1) and (3), and section 7, and Interpretation Act 1987 (NSW).

Even if 3 March 2025 were counted as date of agenda being sent via post, which was not possible because Australia Post working hours end at 17:00 hours, and evidence shows that at 16:23 hours the agenda was not prepared yet, the EGM failed to satisfy stringent regulations for notices:

Item (status as of 10 April 2025)	EGM on 25 March 2025
Compliance with Interpretations Act 1987 Section 76	<p>Non-compliant</p> <p>3 March 2025, Day of Notice, postage date not included</p> <p>4 March 2025, First Working Day</p> <p>5 March 2025, Second Working Day</p> <p>6 March 2025, Third Working Day</p> <p>7 March 2025, Fourth Working Day</p> <p>8 March 2025, Saturday</p> <p>9 March 2025, Sunday</p> <p>10 March 2025, Fifth Working Day</p> <p>11 March 2025, Sixth Working Day</p> <p>12 March 2025, Seventh Working Day, notice effective</p> <p>13 March 2025, First Notice Day</p> <p>14 March 2025, Second Notice Day</p> <p>15 March 2025, Third Notice Day</p> <p>16 March 2025, Fourth Notice Day</p> <p>17 March 2025, Fifth Notice Day</p> <p>18 March 2025, Sixth Notice Day</p> <p>19 March 2025, Seventh Notice Day</p> <p>20 March 2025, Eighth Notice Day</p> <p>21 March 2025, Ninth Notice Day</p> <p>22 March 2025, Tenth Notice Day</p> <p>23 March 2025, Eleventh Notice Day</p> <p>24 March 2025, Twelfth Notice Day</p> <p>Two Notice Days missing!</p> <p>25 March 2025, Date of Meeting, not counted</p>

4.1) The trend of non-compliant meetings is best proven through 34 committee meetings since 2017 (and that does not even count several general meetings that fall into the same category):

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

4.2) Both committee meetings which Bannermans Lawyers tried to defend at the first and the second Directions Hearing (15 January 2025 and 20 February 2025), were non-compliant as well:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-2024-00454780-001-SP52948-hiding-documents-for-owners.pdf>

Item (status as of 10 April 2025)	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>

4.3) Even NSW Fair Trading was misled in September 2024 when Waratah Strata Management organised committee meeting to discuss Mediation case but later on admitted that the meeting never occurred.

4.4) In period from 3 March 2025 until 10 April 2025 (well after the alleged EGM on 25 March 2025):

- Six notice boards did not publish agenda or minutes of this EGM (photos for each day have been collected as evidence). Here is an example for Block A notice board today:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-notice-board-10Apr2025.webp>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-Block-A-notice-board-photo-2-10Apr2025.webp>

- "Documents" folder on Waratah Strata Management website did not publish agenda and minutes of this EGM (screenshots from website collected as evidence).

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-waratahstrata-Document-folder-page-1-10Apr2025.pdf>

- Owners like myself did not receive agenda and minutes of this EGM.

4.5) "Past Meetings" folder on Waratah Strata Management website listed this EGM as valid meeting, as these screenshots from Waratah Strata website show:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-website-list-of-past-general-meetings-31Mar2025.pdf>

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-website-list-of-past-general-meetings-3Apr2025.pdf>

4.6) On 7 April 2025, realising dangers with what this EGM might represent, Waratah Strata Management removed it from their website in folder "Past Meetings":

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/SP52948-waratahstrata-website-list-of-past-general-meetings-7Apr2025.pdf>

5) As part of pending NCAT Hearing on 22 April 2025, Waratah Strata Management and Mr. Stan Pogorelsky continues to hide information from owners and refuses to publish their various Orders, in a similar manner to how they hid NSW Fair Trading Mediations and events:

<https://www.nswstratasleuth.info/NCAT-2024-00454780-001/NCAT-2024-00454780-001-SP52948-hiding-documents-for-owners.pdf>

For example, as of today, no owner received information about Mr. Pogorelsky's summonses and his failure to comply.

6) On 31 March 2025, City of Ryde issued another warning to Waratah Strata Management but strata manager and Mr. Stan Pogorelsky refuse to let owners know about it. Extract from the email:

Good morning Waratah Strata,

Council has received a compliant regarding ongoing issues that have been brought to our attention. We acknowledge Councils orders for the non-compliances of SP52948, within the order request the Owners corporation to follow the Core Consulting fire Engineers report.

The complainant, speaks about the lack of transparency in communication with owners. Correspondence from yourself on the 19/03/2025 states that an alternative Consultant will be overseeing the work that Core consulting has recommended. To ensure transparency please inform all owners that the work is going to be done in accordance with Core Consulting report. Once the work has been completed the work will need to signed off by either Core Consulting or a registered A1 Certifier or Fire Engineer who is registered with the Building Commissioner's Office.

The matters raised, particularly the outstanding fire safety work orders are to be followed up by the Strata Manager, The compliant also has issues with the process for remediation works, and the reported inconsistencies in work order listings on the Waratah Strata website. Additionally, we will investigate the reported unauthorized renovations in Lot 79 and assess whether they pose safety risks.

7) For the record, negative balance (deficit) in Admin Fund as of 10 April 2025 is -\$287,928.90, where \$13,418.17 was spent on Legal & Debt Collection Fees:

<https://www.nswstratasleuth.info/SP52948-year-2025/SP52948-Income-and-Expenditure-Report-1Sep2024-to-10Apr2025.pdf>