

Subject: SUMMARY NCAT 2024/00454780 - SP52948 failed to comply with Tribunal Orders multiple times
From: SP52948 Lot 158 owner
Date: 27/3/25, 09:52
To: Alex Tomasko, Robert Odenthal, Robert Crosbie, Heath Crosbie
Nicolas Cozic, Stan Pogorelsky
CC: Jeffery Wang, Carlos Fornieles Montoya, Genelle Godbee, Andrew Ip, Ramesh Kamini,
Joe Spatola, Uniqueco Property Services

Good morning,

No responses were received, Waratah Strata Management website has no information of the current events (including approval for insurance renewal), and notice boards still do not have any further updates about NCAT orders and correspondence.

Of special importance is also behaviour and actions (or more accurately, lack of proper actions by Mr. Stan Pogorelsky, who stays unrepentant till the final stage). He did not provide most of files as ordered by NCAT in the summonses, on top of having no evidence to refute statements about his unfinancial status for 25 years and other issues that make him unsuitable for committee membership.

NCAT response on 24 March 2025 was very clear and Lot 158 will use it against all parties attempting to represent SP52948 as respondents:

A party to proceedings must comply with directions made by the Tribunal.

Contact the other party and ask them to provide their evidence to you.

Failure to comply with a Tribunal direction may result in any material received after the specified date not being admitted into evidence.

Any outstanding issues relating to non-compliance with Tribunal directions should be raised at the next hearing.

Negative balance (deficit) in Admin Fund this morning is -\$277,854.69 and insurance renewal for FY 2025 increased by 41.46% (covering FY 2025 only - one-year period, to ensure same calculations), whilst heavily UNDERINSURED total value of the complex in case of catastrophic events.

2023	\$149,529.07	50.84%	Insurance renewal was due on 21 September 2022 but paid on 26 September 2022 (creating risk of uncovered common property for period of five days). SP52948 was at high risk due to expired insurance. SP52948 was forced to repay \$15,200.15 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352. \$6,541.55 paid to Waratah Strata Management
2024	\$181,778.06	21.57%	Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 11 October 2023. Economos Auditor signed the accounts on 21 October 2024 and reported insurance premium as \$183,181.00. \$9,936.71 paid to Waratah Strata Management
2025	\$122,690.28 (covering only half-year period!)	34.98%	Insurance renewed only for HALF-YEAR period (until 21 March 2025) due to lack of funds in Admin Fund and HIGH legal risks; full insurance costs including all fees and levies was undisclosed in Admin Fund as of 22 October 2024. Insurance company warnings in their policy on 24 September 2024: "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." \$9,936.71 paid to Waratah Strata Management in spite of advance warning to executive committee not to allow it
18 March 2025	To be announced	To be announced	Document published on 18 March 2025 claimed that insurance premiums were paid on 26 March 2025 (future date!) in total amount of \$165,821.88 (GST incl). Like in FY 2022 (year ending on 31 August 2022), where SP52948 was underinsured (property valued at \$146,550,000.00 was insured for only \$129,734,500.00), same was done in March 2025. SP52948 was underinsured (property valued at \$177,400,000.00 was insured for only \$153,877,500.00). Waratah Strata Management allegedly did not receive any commissions, although they had published resolution in Motion 14 for AGM on 28 November 2024 that owners "acknowledged commissions and training services estimate at less than \$100.00 per person per year", amounting to around \$21,800.00 (for the public record, Waratah Strata Management failed to declare insurance commissions in agenda for AGM 2024)
26 March 2025	\$273,437.44 (covering one year and half period!)	41.46% (covering FY 2025 only - one-year period, to ensure same calculations)	Document published on 26 March 2025 claimed that insurance premiums were paid in total amount of \$273,437.44 (GST excl). Waratah Strata Management allegedly did not receive any commissions, although they had published resolution in Motion 14 for AGM on 28 November 2024 that owners "acknowledged commissions and training services estimate at less than \$100.00 per person per year", amounting to around \$21,800.00 (for the public record, Waratah Strata Management failed to declare insurance commissions in agenda for AGM 2024)

Regards,

On 23/3/25 10:44, SP52948 Lot 158 wrote:

Good morning,

Three more days passed by.

Based on fact that Lot 158 did not receive any documents from SP52948 as of morning on 23 March 2025, the following official request is submitted:

1) SP52948 to provide unredacted evidence that these two submissions were delivered to Lot 158:

- NCAT Orders 4 and 5 at Directions Hearing on 15 January 2025 (deadline was 12 February 2025).
- NCAT Orders 4 and 5 at Directions Hearing on 20 February 2025 (deadline was 20 March 2025).

The is what is required for NCAT, NSW Fair Trading, and the Police (if the letters/parcels were not delivered to Lot 158, and they were stolen or misappropriated, they create risk to Lot 158 due to potential leaks of private and sensitive data):

- Proof that the respondent engaged Australia Post and/or express couriers to deliver printed files.
- Proof of letter/parcel payments to Australia Post and/or express couriers.
- Signature of the person(s) who received the documents.
- Date and exact times when the parcels/letters were posted.
- Date and time when parcels/letters were delivered to Lot 158.
- Evidence of what Waratah Strata Management and committee members did when they received Lot 158 warnings about missing documents on 14 February 2025, 19 February 2025, and 20 March 2025.

2) If SP52948 refuses to respond to this letter, or take prompt actions, Lot 158 requests (this is a demand, not a plea) that Uniqueco Property Services and SP52948 representatives take immediate action to:

- Review all CCTV recordings on camera in front of the entrance to the complex (near townhouse 219) and two cameras on ground floor of Block A for week starting Monday, 17 March 2025 (these CCTV recordings must also be preserved as NCAT and Police evidence) and confirm if alleged delivery to Lot 158 in NCAT case 2024/00454780 really happened.
- If alleged delivery to Lot 158 in case 2024/00454780 cannot be confirmed or found on CCTV recordings, SP52948 must provide written statement to NCAT and Lot 158 promptly.
- If alleged delivery to Lot 158 in case 2024/00454780 cannot be confirmed or found on CCTV recordings, SP52948 must open a Police Event for suspicion of stolen documents that might endanger Lot 158 safety due to personal and sensitive data leakages to third-parties.

Thank you

On 20/3/25 19:50, SP52948 Lot 158 owner wrote:

Good evening,

FYI

----- Forwarded Message -----

Subject: COMPLAINT: NCAT 2024/00454780 - SP52948 failed to comply with Tribunal Order at second Directions Hearing dated 20 February 2025

Date: Thu, 20 Mar 2025 19:47:22 +1100

To: ccdsydney@ncat.nsw.gov.au

Dear Tribunal members,

As of evening on 20 March 2025 at 19:45 hours, SP52948 has not provided me with any hard copies of responses, as listed in your Directions Hearing Orders 4 and 5 on 20 February 2025:

- I did not receive them in the letterbox,
- I did not receive them in person,
- I did not get any courier calls or messages.

This is a repeat of their failure to comply with NCAT Orders at Directions Hearing on 15 January 2025, where the respondent did not satisfy Orders 4 and 5 and to this day, the document that was allegedly sent by Bannermans Lawyers via express post never arrived (deadline was 12 February 2025 and today is 20 March 2025).

In addition, here is the status for other NCAT orders and correspondence as of 20 March 2025. Would a reasonable person consider Waratah Strata Management and committee members exhibiting utmost contempt of court in NCAT case 2024/00454780? Let these facts speak for themselves:

1) Application Notice, issued by NCAT on 6 December 2024.

- Not published on six notice boards.
- Not published on Waratah Strata website.
- There is no evidence that it was provided in any official correspondence to owners in emails or letters.
- Full details of the case not provided to any owner.

2) Notice of Directions Hearing Listing, issued by NCAT on 10 December 2024.

- Not published on six notice boards.
- Not published on Waratah Strata website.
- There is no evidence that it was provided in any official correspondence to owners in emails or letters.
- Full details of the case not provided to any owner.

3) NCAT Orders issued at first Directions Hearing on 15 January 2025.

- Not published on six notice boards.
- Not published on Waratah Strata website.
- There is no evidence that it was provided in any official correspondence to owners in emails or letters.
- Full details of the case not provided to any owner.

4) Notice of second Directions Hearing Listing, issued by NCAT on 21 January 2025.

- Published on notice boards on 28 January 2025 without full details of the case.
- Not published on Waratah Strata website.
- There is no evidence that it was provided in any official correspondence to owners in emails or letters.
- Full details of the case not provided to any owner.

5) Notice of Hearing Listing, issued by NCAT on 3 March 2025.

- Published on six notice boards 10 days after the NCAT listing.
- Not published on Waratah Strata website.
- There is no evidence that it was provided in any official correspondence to owners in emails or letters.
- Full details of the case not provided to any owner.

6) Issues of summonses for Lot 181, delivered by NCAT on 7 March 2025.

- Not published on notice boards.
- Not published on Waratah Strata website.
- There is no evidence that it was provided in any official correspondence to owners in emails or letters.
- Full details of the case not provided to any owner.

7) Before, during, and after second Directions Hearing on 20 February 2025, I 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 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.
- Proof that agenda and minutes for meetings on 6 January 2025 and 6 February 2025 were published on Waratah Strata Management website before, on, and after the meetings in a timely manner.
- Proof that minutes for meeting on 6 February 2025 were published on six notice boards before or on 20 February 2025.
- Proof that the respondent engaged express courier to deliver printed files to Lot 158 before, on, or after 12 February 2025, as per Directions Hearing Orders received on 15 January 2025. The evidence must include proof of express courier payment, delivery to signature of the person who received your documents, date when these events happened, and evidence what Waratah Strata Management and committee members did when they received Lot 158 about missing documents on 14 and 19 February 2025.