

## NCAT HEARING CHRONOLOGY

3:40min Ms Simon asks me 'What are the orders I am seeking and on what legal basis?  
Ms Simon however also asks me to prove that it is a dysfunctional committee, in law?

6:40min Ms Simon states that she's looked through the documents and they are nothing remarkable.  
And nothing that I wouldn't have seen before?

6:50min Ms Simon is surprised that I had two days' notice that the meeting isn't adjourned yet I  
only received an email from NCAT on Wednesday, 23 May 2018, 2:45:30 pm AEST,  
ccdsydney@ncat.nsw.gov.au <ccdsydney@ncat.nsw.gov.au> wrote:

Dear MICHAEL ANDREW RACZKOWSKI

RE: File Number SC 17/48920 | 217 Chalmers Street REDFERN NSW 2016 Australia - SP49028

Please find attached correspondence relating to the above mentioned matter.

It is important that you review this material immediately.

stating that the Hearing is proceeding.

6:59min holiday and I can withdraw and later make a new application.

7.30min Again, many of the documents I would have seen before from Ms Simon.  
Gives me 1 hr to review application. I took 1/2 hr.

8.39min adjournment for 1/2 hr

### **Start 38:17min**

44:15min Ms Simon discusses why was it adjourned last time?

45:00min Architect

46:45min Cleaning fees

48:35min Garbage room

49:15min Why do the people have to be there for the submission?

51:35min No communication from strata manager

52:45min Repairs and issues

54:30min An owner's complaint. Ms Simon still focused on

50:20min Ms Simon states that the days calculated are only my assertion and I need to show her  
where it says in the documents?

57:00min Fountain decommissioning complaint from an owner, me, meeting

58:10min Strata roll 'refused to provide me'

59:20min Non-disclosure of brokerage

Also about not doing what requested by the secretary

59:35min Renewing of contract

1:02:00hr About committee members not being there

1:02:30hr Meeting to obtain from strata and getting grilled.

1:04:30min Act reading and electronic means of providing strata roll

1:05:25min That I do have a copy of the brokerage and disclosure

1:06:00hr Don't cross exam me from Ms Simon

1:06:30hr Demlakian report

1:07:09hr Change of access code

1:07:30hr Front steps repairs

1:08:35hr Lighting issues

1:09:35hr I say that ALL lights are on all day (error)

1:10:03hr Courtyard works haven't commenced

1:10:20hr Dept Fair trading and Mr Brell lying about fountain repairs and about it not working

1:11:40hr Wheel clamp theft by strata manager Michael Thompson

1:12:20hr Wheel clamping of cars

1:12:50hr Getting legal advice?

1:14:15hr Police about wheel clamp theft

1:17:20hr Ms Simon more concerned about me wheel clamping compared to vehicle being left wheel clamped for 2 weeks

1:19:26hr THAT'S INCREDIBLE from Ms Simon!! That I complain that the Owners corporation left a vehicle wheel clamped for two weeks, Yet on page 464 of my submission the secretary notes to Michael Thompson we have a by-law for wheel camping and if he is aware to which he respond 'yes'.

**Q. Would a functioning committee leave a vehicle wheel clamped after they were notified?**

1:19:00hr Side door not being itemised

1:22:00hr Ms Simon states 'You make some pretty remarkable allegations sir'

1:22:40hr Private email from product review, grilled by Ms Simon

1:23:10hr Private car park storage

1:25hr Intercom repairs

1:27:57hr Ms Simon bursts 'doesn't seem like someone who isn't responding' yet the strata manager, Michael Thompson, only made the call to repair the intercom 3 weeks later after they were notified, and misled the resident that the delay was due to looking for parts.

That is why only two people attended the last AGM.

1:28hr U42 mould on ceiling

1:32:00hr About dysfunctional committee being namesake and strata company gone awohl.

1:34:00hr Owner's plea email to the dysfunctional exec committee.

1:35:25hr Kitchen being major works not minor renovations and request by secretary to provide plans and request denied from strata agent

1:39hr

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Strata Schemes Management Act 2015 No 50 [NSW]

Part 6 Property management

110 Minor renovations by owners

(1) The owner of a lot in a strata scheme may carry out work for the purposes of minor renovations to common property in connection with the owner's lot with the approval of the owners corporation given by resolution at a general meeting. A special resolution authorising the work is not required.

(2) The approval may be subject to reasonable conditions imposed by the owners corporation and cannot be unreasonably withheld by the owners corporation.

(3) Minor renovations include but are not limited to work for the purposes of the following:

(a) renovating a kitchen,

(b) changing recessed light fittings,

(c) installing or replacing wood or other hard floors,

(d) installing or replacing wiring or cabling or power or access points,

(e) work involving reconfiguring walls,

(f) any other work prescribed by the regulations for the purposes of this subsection.

(4) Before obtaining the approval of the owners corporation, an owner of a lot must give written notice of proposed minor renovations to the owners corporation, including the following:

(a) details of the work, including copies of any plans,

(b) duration and times of the work,

(c) details of the persons carrying out the work, including qualifications to carry out the work,

(d) arrangements to manage any resulting rubbish or debris.

On Page 459 of my submission Mr Thompson agrees with the secretary that prevention is better than cure and states ' Lot 11 is replacing their kitchen and not modifying common property'.

**Q. Shouldn't plans have been provided?**

1:43:00hr Invoice for side door

1:44:45hr Ms Simon states that I make a lot of accusations I gotta say

145:00hr Evidence of shotty repairs costing the owners corporation more for U 40 leaking roof

1:47:10hr Mr Thompson states that for the fountain repairs it was agreed and rectified at a meeting, yet nothing before?

1:49:40hr Ms Simon asks as that's why it hasn't been rectified in the meantime?  
What about the rest of the time?

1:50:10hr Insurance inspection of books setting date and time and I refused according to Ms Simon

1:50:40hr Non-Disclosure of commissions page 216 of submission contains only Netstrata's disclosure that Strata Insurance Services is wholly owned by Netstrata and that they do not receive commissions. Nothing about their brokerage charges.

1:52:15hr Notice was part of AGM notice 2017/2018 but did not show Ms Simon

1:52:40hr Downpipe delay due to anchor points, and it took almost 6 months to complete, only because the owner stopped paying his strata fees. The leak was reported on the 29<sup>th</sup> March 2016, and the quote is dated 14<sup>th</sup> June 2016 from balcony which is two months since the issue was first raised and the completed on 26<sup>th</sup> September 2016.

1:54:40hr Front steps repairs Michael Thompson p124 & p128 their documents, front steps from strata committee meeting now part of remedial works.  
One year there was silence from Netstrata.

1:56:15hr Ms Simon laughs or smirks, then comments 'WHEEL CLAMPS illegal to wheel clamp' however a by law passed allowing  
Michael Thompson does not know where they went yet did not deny any of my outlandish accusations as Ms Simon stated earlier.

1:57:00hr Lighting pages 201-203 Netstrata submission contains a work order and invoice for repairs, however not for the adjustment of lighting. Big difference Ms Simon.

1:57:58 Ms Simon laughs.

Yet lights are still not on at the entrances which is a health hazard, and on all day in the foyers wasting owners money.

1:58:04hr Garbage room Michael Thompson claims that the issue is outside of the garbage room as people rummaged through the bins when placed for collection,  
Yet I have photos inside the bin room. He also claims difficulty in putting on the lock which took 1.5 years

2:00:00hr No documents no email in my documents yet on page 220 as noted at the meeting.  
But issue that's been resolved by Ms Simon almost 1.5 years later, having to rummage through garbage on the floor on a weekly basis, and with double cleaning costs.

2:02.55hr Insurance brokerage Ms Simon states that their section 60 disclosure says there are NONE and Michael Thompson at 2:03.09 says CORRECT. Ms Simon then goes on to say that I wouldn't have seen anything and once again Michael Thompson says NO. At 2:03.18 He did however disclose that Strata Insurance Services is a subsidiary of Netstrata.  
However he failed to mention that they charged the Owners corporation \$6,600 in brokerage on page 176 of my submission. Over the three years this would approximate to over \$20,000 without their knowledge.

2:03:40hr Not hiding books from Michael Thompson  
OH yes you are.

2:04:15hr AGM 16 October 2016 15 in favour 1 against, yet not in documents and Ms Simon allows and HARPS on the issue. She repeats the number even though she hasn't been shown any evidence,

Ms Simon repeated the number 2:05.05 – 1, 2:05.20 – 2, 2:05.45 – 3, even though it wasn't in the documents.

I said there were only two people at the last meeting twice yet I'm repeating myself. Ms Simon was only interested in the Netstrata's statement

2:06:10hr I ask for evidence that the brokerage the secretary was requested was provided to the Owners corporation

2:07:07hr Ms Simon states that the Secretary/owner is not here therefore he isn't concerned that it didn't happen. Its about me not him from Ms Simon and that it is an irrelevant question.

I asked Netstrata if they have proof that it was provided and Ms Simon blew up.

2:08:25hr I state "I really don't feel there is any point".

2:09:23hr Michael Thompson states the fountain was kept going and stop trying to fix it. Direction from the committee and they decided to keep on repairing it. These are blatant lies. There is only one invoice for \$640 for the repair of fountain on page 341 of my submission. There are no other fountain/plumbing/pool expenses in this or the previous years accounts.

2:10:32hr Ms Simon states she will look at your documents again.

2:10:40hr Ms Simon discusses the process for application of costs and provisions of directions that Netstrata have requested compensation for. WTF?