

Submission
No 17

**INQUIRY INTO REGULATION OF BUILDING
STANDARDS, BUILDING QUALITY AND BUILDING
DISPUTES**

Name: Name suppressed
Date Received: 12 July 2019

Partially
Confidential

Details and suggestions to be considered!!

It's obvious the "Strata Schemes Management Act" needs reformed badly. Introduce the punishment/discipline for those who abuse the system for their own personal gain, have those people serving minimum 12 month prison sentence of FAILURE TO MEET OBLIGATIONS and under performs the standard of reasonable care, causing residential property owners suffering, harms in loss and damage as a result.

Due to lack of transparency in building strata scheme, strata manager and committee members failure to disclose relevant building defects and rarely gives any supportive information to the individual property owners. They've failed to identified relevant building concerning defects and keep all these information hidden from the property owners. There is no guarantees to the people living in those developments. Also insurer never provided covers for the building structural issues.

- Building statutory warranty should be increased to minimum 10 years and 3 years for non-structural defect. (Because cosmetic issues that have been fixed are very different to structural issues that can cause headaches years down the track.)
- So, extremely important to identify the source of all these problems, and best to start with DA approval, building architect, real-estate agent, conveyance lawyer, developer, civil engineer, builder, building certifiers, Strata management administration, building surveyor, building management and other care takers. Anybody who's involved in building property development and management transactions should be hold for questions and be responsible for their actions.

Background:

1.) Application for Mediation File No: 00147098 was submitted on April 24, 2019, 1:50 PM.

- Strata manager contacted - Strata Mediator, via Phone: 0436 655 238 on June 18, 2018 requested to change mediation date to Tuesday 23 July 2019 (at 10:00am).
- Strata Mediation contact the applicant on July 1, 2019, 1:49 PM via email advised that strata manager requested to change mediation date to Tuesday 23 July 2019.
- Applicant response via email on July 1, 2019, 9:01 PM rejected the requested to change mediation date to Tuesday 23 July 2019 are not acceptable. The strata company had plenty of time to prepare for the mediation, the meeting date and time should remain unchanged.
- Strata Mediator- contact the applicant via email on July 11, 2019, 9:40 AM, "I refer to your application for mediation concerning management of the strata scheme, i.e. taking steps to pursue the developer for building defects and acting in the best interest of the owners corporation in dealing with other strata schemes; arranging for audit of financial records; initiating request for reallocation of unit entitlements; appointment of a compulsory strata manager. I confirm that a mediation session has been arranged for 16 July 2019 to commence at 10:00 AM, and will be conducted on Level 8 at Macquarie Tower, 10 Valentine Ave, Parramatta. Please note the mediation may take three hours or more. The owners corporation has advised they will be represented at mediation by strata manager .

2.) Before filed for NCAT Mediation, the applicant had already submitted complaints in relation to misconduct activities of the building strata scheme:

Dear Sir/Madam,

From:

Date: Tuesday, November 13, 2018

Subject: High/Urgent matter: Fraud-"Strata Scheme -Collusion"

To:

Cc:

Dear Sir/Madam,

Please investigate possible breaches of law on the following matters:

1. _____ colluding with _____ (Developer).
2. _____ - "manager of _____ (Developer associate) hidden agenda in Strata scheme appointed as committee members: Building A - Chairman and Build B - Treasurer.
 - _____ (Developer associate) - Strata committee Secretary - Building A.
 - _____ (Developer associate) - Strata committee Member - Building A.
- The current "Strata committee members" failed to comply with Act/regulations of NSW Strata Schemes and they've failed to exercise due care and diligence, misleading, dishonest, engaged in serious misconduct. - Under Strata Schemes Management Act 2015 (clause 4; 5; 7; 8; 9; 12; 17; 18(1)(2)(3)(4) of Schedule2).
3. _____ - Failed to exercise due care (Building Maintenance).
4. _____ (Building manager) neglected the building owners urgent needs, failed to follow up on damages and building defects, direct result of the breach of duty.
5. _____ - Signed-up by _____ (Developer) under owners corporation strata schemes without the owners consent.
6. Strata Choice - individual property owner's strata levy are not reasonable is too expensive.
 - _____ (Strata manager) can't answer basic questions about strata levy. Failed to explain administrative fund structure in details.
 - _____ (Strata manager) restricting access to financial records. - Failed to respond Building B secretary request for access Strata roll.
 - _____ (Strata manager) fails to follow up on matters and completely unresponsive. - Failed to exercise due care and never provided meeting minutes.

- (Strata manager) making decisions that owners don't agree with. Failed to amend the meeting agenda require.

The owners corporation recognise the power of group discussion and resolution reached by majority voters in perspectives wanting to living in a strata schemes that can servers their basic needs without the developer's control.

manager of the developer associate, attempted to interfere with owners corporation strata schemes continues to engage in malign influence operations to this day. His abusive action of using one's position of power is breach of law.

Thank you in advance for your attention and help!

Your sincerely,

(Individual property owner)

3.) NSW Fair Trading failed to follow-up nor investigates these concerning matters, it was appalling handled. (Extremely slow process and very little has changed or done.)

4.) The strata scheme act/law already failed too many ordinary people. Off-the-plan/ new apartment's developer always in collusion with strata management company and building management company with their manipulating, calculative ways to making serious profits out of the property developments and property owners.

5.) Claim for negligence. Therefore, property owners has to pursuit taking action paying for expensive unnecessary legal advice and take the builder and developer all the way to court for negligence failure to rectify the unknown/ hidden building defects. Residential property owner been neglected for too long and too many years gone but nothing has changed. Unfortunately these safety issues spreading out like virus becomes a ongoing problems.

Real action is needed, apartment residents deserves to feel safe and sound in their home. The homeless reality is waiting around the corner, residents fears their building could cracking up in the middle of the night and collapse.

6.) Building commissioner should be in place for taking the time to investigate number of serious misconduct within the building industry. Because apartment owners are suffering all around in Australia. Enough is enough! Nobody need to living, feeling fear in their apartment home.

- Please investigate this following community members intentionally misleading and persuading the public to increase their business profit margins it's pure evil. Please hold these people accountable for negligence and misconduct. (Because they're untouchable, and always sitting above the strata scheme laws.)

"2019 SCA (NSW) Board. President – Chris Duggan. Strata Manager (Licensed) Chapter. Senior Vice-President – Daniel Linders.."

<https://nsw.strata.community/about-us/board/>

Company such as
consumers.

need to be investigates for misleading and neglecianttheir