

Submission  
No 25

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

**Name:** Name suppressed

**Date Received:** 16 July 2019

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Partially  
Confidential

I am a lot owner of a property on Newcastle Harbour. I have owned the property for 10 yrs. The property is an investment. Over this 10 year period it has been constantly subjected to common property water ingress with Strata Managers and Owners corporation contractors unable to remedy the problem. I have been extremely patient and cooperative during this period to rectify the issues of water ingress. There has been constant disruption to tenants, loss of tenants and loss of rent and inability to sell the property. After a further water ingress problem in June 2018 with a proposed start date to fix by builder 29 January 2019, tenant vacated due to upcoming work, property was "pulled apart" and uninhabitable (windows removed, walls pulled out, carpet removed, holes in gyprock, built ins removed etc etc). Proposed work was to take 3wks, completion actually took 7mths, I engaged lawyer through frustration. Owners Corp & Strata refused to mediate, are very complacent about communicating with the lawyers and rarely answer questions asked. Over the last 10 years and particularly since June 2018, they have behaved contemptuously without any empathy for my situation in regards to financial problems, stress, impact on my ability to work and communicate with my partner. The key problem is that when they engaged an industry leader in water-proofing who pointed out how to finally fix the problem properly fix the problem permanently, the Owners Corporation disregarded this advise. My situation is now that the contractors have left the property and I am left with an inferior "fix" to glazing and roof. I have had to re-carpet again at my cost as contractors pulled up the carpets without my consent. As I am not insured, due to this being an ongoing water leak, these issues are all at my cost, as they have been for ten years now.

The Owners Corporation and Strata managers have promised me, in writing, guarantees and assurances that the job has been done properly (so I can once again be insured) but after numerous requests by my lawyer these have not been forthcoming. Because the work done is not done in accordance to their own report, I live in fear that once again, in the next weather event, my apartment will again be flooded and I will have to again replace carpets. I have spent, to date since 29th January 2019 approximately \$35,000 in rent loss, carpets, lawyers. This problem is ongoing and has caused me financial and emotional hardship for ten years. The fact that the Owners Corporation, the Strata managers and their lawyer are not negotiating or co-operating is very frustrating. They just keep saying no. I do not believe that other unit holders in this complex have ever been notified that the roof structure is flawed and will continue to deteriorate further causing more damage to property as clearly outlined in the report. At the moment, this problem is only affecting my apartment. This apartment is in one of Newcastle's most prestigious buildings and was worth considerable money - prior to these problems which will now affect the value of the property - forever. I am available to give further information or background. This entire ownership has been mentally exhausting and is so disappointing that I have no co-operation from Strata managers and Owners Corporation. I am currently left with an apartment that has not been fixed property, I have had no tenant since January 29, next time we get another weather event the problems will continue. I am at a loss for words!

Finally I would like to add that neither the Owners Corporation or Strata company have inspected the so called finished works. The roof hasn't been attended to at all. I have 10 years of photos, videos and emails regarding these issues.