CONSUMER, TRADER & TENANCY TRIBUNAL

THE SECRETARY, THE OWNERS STRATA
PLAN 50785
1-3 McDonald Street
CRONULLA NSW 2230

File No: SCS 10/06888
(Quote in all enquiries)

Application to the Tribunal concerning 1-3 McDonald Street CRONULLA NSW 2230 Australia

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On 11/2/10 the Registrar received an Application for an Order. A copy of the application is attached.

You may lodge a written submission in respect of the application stating whether you agree or disagree. Your written submission must be received by the Registrar by Tuesday 16/3/10. You should not include any information which you do not want disclosed to the other parties.

Copies of submissions are not forwarded to parties, however you may inspect the file at the Registry. File inspections are available by appointment only on the Wednesday, Thursday and Friday following the close of submissions date. An appointment to inspect the file can be arranged by contacting the Registry. Any photocopies of submissions requested at the file inspection will incur a fee. You should be aware that other persons may inspect the file.

Following the close of the submission period the file will be forwarded to an Adjudicator for written decision.

The file number should be quoted on your submission.

R Twyford
for the Registrar
15/02/10

Please read this information carefully

- **Display of this Notice:** When the Owners Corporation receives this notice and a copy of the application it must put a copy on the scheme notice board immediately (unless the by laws do not require one to be maintained) and keep it there until the date for making submissions expires. The Owners Corporation must immediately serve a copy of the notice and application on each person shown on the strata roll.
- **Content of Submissions:** Written submissions should include information relevant to the order asked for including photographs, technical reports and minutes of meetings. Disputes about by-laws, should include a copy of any relevant registered by-laws. Disputes about repairs to common property or damage to a lot should include a copy of the registered strata plan. These are available from the Land Titles Office, Queens Square, Sydney.
- **Adjudicator or Hearing:** Orders under sections 138 to 170 will be referred to the Strata Schemes Adjudicator for determination. Orders under sections 182 to 192 and 202 to 204 must be referred to the Tribunal for determination. You can appeal to the Tribunal from a decision of an Adjudicator. In addition, an Adjudicator may refer an application to the Tribunal if, for example, the legal complexity or importance of the application or other good reason justifies referral. You will be notified if the application has been referred to the Tribunal.
- **Applications to the Adjudicator:** These are decided on the material in the application and submissions. There is no hearing. The decision and the reasons for that decision are made in writing).
- **Applications to the Tribunal:** There is a hearing. Witnesses may give evidence and make submissions. You may represent yourself or be represented.

Level 3, 4-8 Woodville Street, HURSTVILLE NSW 2220
PO Box 148, HURSTVILLE BC NSW 1481
Ph: 1300 135 399 Fax: 8567 0099
www.cttt.nsw.gov.au

- **Notice of Decision:** In all cases a notice of the final order is sent to the person who applied, the person it is against, anyone who sent in a submission and the Owners Corporation.
- **Appeal Rights:** A decision of an Adjudicator may be appealed to the Tribunal. The Tribunal may admit new evidence. A decision of the Tribunal may be appealed to the District Court on a limited basis, in relation to questions of law only.
- **Further Inquiries:** If you need more information about your rights and responsibilities please contact Fair Trading Information Centre on 13 32 20.

CONSUMER, TRADER AND TENANCY TRIBUNAL
Strata & Community Schemes Division

REQUEST FOR AN ORDER BY AN ADJUDICATOR

Under the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1998*

CTTT Consumer, Trader & Tenancy Tribunal

A copy of this application and any attached information will be provided to the other party.

1. Have you tried to settle this dispute through mediation?

☑ Yes If Yes, attach evidence of the mediation result *(a copy of the letter given to you by the mediator).*

☐ No If No, Why?

2. Address of the
   ☑ Strata Scheme or
   ☐ Community Scheme
   (Please tick one)

1-3 McDONALD STREET
CRONULLA
NSW 2230

3. What is the
   Strata Plan No. or Community Plan DP No.

50785

If a Community Plan, how many lots are shown on the plan.?

If a Community Scheme, is your lot in a
☐ Community ☐ Plan Neighbourhood Plan
☐ Precinct Plan ☐ Strata Corporation

4. Your Name *(Individual applicant or corporation)*

OWNERS CORPORATION SP50785

Your Postal Address:

c/- P.O. Box 2127
TAREN POINT
NSW 2229

Daytime telephone: (02) 9540 4199

5. If a Strata Plan, are you applying as:

☐ Lot owner of lot ☐ Lessor
☑ Owners Corporation ☐ Council, public authority or statutory body
☐ Original owner ☐ Other *(Please specify)*

OR

If a Community Plan, are you applying as:

☐ Owner/proprietor of Lot No. ☐ Occupier
☐ Managing Agent
☐ Association ☐ Other *(Please specify)*
☐ Strata Corporation

6. Who is the application against?
   (Individual or company)
   If more than one other party then attach a separate list
   Other party's Postal Address:

MR MELNKO NIKOLIC & MS JELICA NIKOLIC
B18/1 McDONALD STREET
CRONULLA
NSW 2230

Daytime telephone:

7. If a Strata Plan, is the other party:

☑ Owner of Lot 25 ☐ Lessor
☐ Owners Corporation ☐ Other *(Please specify)*
☐ Tenant/occupier of Lot

OR

If a Community Plan, is the other party:

☐ Community Association* ☐ Owner/proprietor of Lot
☐ Precinct Association* ☐ Occupier
☐ Neighbourhood Association* ☐ Other *(Please specify)*

Receipt No: 400720
Date: 11-Feb-2010
Amount: $20.00

*What is the DP number?

Continued overpage

8. Where can the Tribunal contact the Managing Agent or Secretary of the Owners Corporation/Association/ Strata Corporation?

P.O. BOX 2127
TAREN POINT
NSW 2229

9. Have there been previous applications involving the same or related dispute?

☑ No ☐ Yes Please list the file number(s):

10. If known specify the section of the Act under which the application is made.
(See Notes)

SECTON 203 AND THE ENFORCEMENT OF BY-LAW 33.3.

11. Specify the terms of the order(s) requested
Time limits apply for certain applications. You should obtain information before making the application about the kinds of orders which the Tribunal can make.

AN ORDER TO BE ISSUED ON MR MLANKO NIKOLIC AND Ms JELICA NIKOLIC TO MODIFY EXISTING NON-APPROVED AWNING TO OCCUPY LOT AIRSPACE ONLY OR TO REMOVE AWNING COMPLETELY & CONSIDER ISSUING PENALTY WITH ORDERS AS OWNERS HAVE HAD A MASSIVE AMOUNT OF TIME TO COMPLY.

12. What are your reasons for requesting this order?
Explain why you lodged the application and why the order(s) sought should be made

THE AWNING PROTRUDES OUT FROM BALCONY INTO COMMON AREA AIRSPACE. THE OWNERS CORPORATION NEVER APPROVED THE PARTICULAR AWNING INSTALLED AND REQUESTED THE AWNING BE REMOVED. THE OWNERS CORPORATION GENEROUSLY OFFERED TO ALLOW THE AWNING IF THE LOT OWNERS MODIFIED THE AWNING TO BE WHOLELY WITHIN THE LOT AIRSPACE.
TO DATE THE LOT OWNERS HAVE FAILED TO COMPLY WITH OWNERS CORPORATIONS REQUESTS.

13. Your Name(s) (Please print)

MICHAEL PRICE

Your Signature(s)

If an Owners Corporation or Association, your position

SENIOR STRATA MANAGER

Date

9TH FEBRUARY 2020

A copy of this application and any attached information will be provied to the other party or parties.

Fee details: A fee must be paid with an application. Refer to the separate fee schedule. You may claim a concession if you receive a Government pension, a social security or education benefit, or hold a Seniors Card: if so enclose a photocopy of your current pension or benefit card or Austudy advice. If the fee is payable and it is not paid, the applicationiors be dismissed.

Return application with fee to: Registrar, Consumer, Trader and Tenancy Tribunal

For all CTTT Registries: Telephone 1300 135 399 Facsimile: 1300 135 247

Sydney Registry
Level 12, 175 Castlereagh Street
Sydney NSW 2000
GPO Box 4005, Sydney NSW 2001

Liverpool Registry
Level 3, 33 Moore Street
Liverpool NSW 2170
PO Box 723, Liverpool BC NSW 1871

Parramatta Registry
Level 2, 10 Valentine Avenue
Parramatta NSW 2150
PO Box 4117, Parramatta NSW 2124

Wollongong Registry
Level 3, 43 Burelli Street
Wollongong NSW 2500
PO Box 319, Wollongong NSW 2520

Penrith Registry
Level 1, 308 High Street
Penrith NSW 2750
PO Box 988, Penrith NSW 2751

Tamworth Registry
Suite 3 - 5, Kable Korner Complex
Cnr Kable Ave & Darling St
PO Box 1033, Tamworth NSW 2340

Hurstville Registry
Level 3, 4 - 6 Woodville Street
Hurstville NSW 2220
PO Box 148, Hurstville BC NSW 1481

Newcastle Registry
Level 1, 175 Scott Street
Newcastle NSW 2300
PO Box 792, Newcastle NSW 2300

OFFICE USE ONLY:

File No: