NCAT
NSW Civil &
Administrative Tribunal
Consumer and Commercial Division

TO: Owners Corporation SP 50785
C/-Carey Beebe - Secretary
Cote d'Azur
1 McDonald Street
CRONULLA NSW 2230

File No: SCS 18/01271
Quote in all enquiries

Notice of Conciliation and Hearing (Group List)

Please see over page for further details about your conciliation and hearing (group list) and what you need to do to prepare.

An application to the Tribunal has been made concerning:

Applicant: Elizabeth & Gregory Fitzgerald **Respondent:** Owners Corporation SP 50785

A copy of the application is enclosed *(respondent only)*. The application has been listed before the Tribunal and you are required to appear at:

Location: Sutherland Local Court - Court Room 6
Corner Flora and Belmont Street
SUTHERLAND NSW 2232

Date and Time: Monday 12th February 2018 at 9:15 AM (AEDT)

Please arrive at least 15 minutes before the start of the hearing and report to the hearing attendant or security officer.
It is important that you are on time as the Tribunal may decide the matter in your absence.
The decision made will be binding on you.

There are security procedures at all venues.
The hearing will be sound recorded

D Hong
for the Registrar
Date: **17 January 2018**

Level 14 Civic Tower, 66 Goulburn Street, SYDNEY NSW 2000
GPO Box 4005, SYDNEY NSW 2001
ccdsydney@ncat.nsw.gov.au
Direct Ph: 9307 6496 Toll free Ph: 1300 006 228 Fax: 9307 6301
www.ncat.nsw.gov.au

IMPORTANT INFORMATION ABOUT CONCILIATION AND HEARING

NCAT lists matters for hearing depending on the type of application and the nature of the dispute. All Consumer & Commercial Division hearings are open to the public. The following explains the type of hearing you will be attending.

Hearing (Group list)

This matter has been listed in a 'group list' where a number of cases are listed together before a Tribunal Member. The majority of NCAT applications are listed for a first hearing in a group list.

When both parties appear they are encouraged to resolve their dispute through conciliation. If conciliation is successful, the Tribunal Member will make consent orders. If conciliation is unsuccessful, or if only one party appears, the case proceeds to hearing.

As this is a first hearing you are not required to bring witnesses. However, you should bring with you all relevant documents or materials to support your case.

Conciliation

Conciliation is an alternative dispute resolution process where the people in dispute are encouraged to talk about their issues in an informal, private meeting to try to reach an agreement.

The conciliation process is closely linked to the hearing process, rather than as a separate step of dispute resolution. Conciliation is regularly used in conjunction with group listings, and matters involving multiple applications about the same dispute such as residential parks and retirement village matters.

If you cannot attend

You can seek to have the hearing postponed by asking for an 'adjournment'. Adjournment requests must be made in writing and addressed to the Registrar. A copy should be sent to the other party. Include any supporting documentation such as a copy of the medical certificate or airline ticket. If you have the consent of the other party your request is more likely to be considered favourably.

If you have resolved the dispute

If you are the applicant and you have been able to resolve your dispute and no longer require a hearing, you need to withdraw your application. You must advise the other party and the Registrar in writing prior to the hearing. This should be done as soon as possible prior to your hearing date. If written notice is received by the NCAT before the hearing you will not have to attend.

Tell us

Contact the NCAT Registry immediately in the following circumstances:

- If you need an interpreter (the NCAT arranges and pays for this service)
- If you have changed your address or phone number
- If you have special needs so we can discuss what assistance you may require.

Outcome of the hearing

The Tribunal Member will generally tell you the decision at the end of the hearing. Written orders will be provided at the hearing or sent to you by post. NCAT decisions may also be available to the public via the internet.

Conciliation 10 Top Tips

1. Think about what you want

Think carefully about your issues and the outcome you want to achieve. Write a summary of these issues. Gather your evidence such as documents, invoices, and receipts that will support your claim.

2. Work out how you will negotiate

Be open-minded and flexible. Think about the other person's issues and how they will respond to your views. Negotiation may involve some compromise to reach a solution you both find acceptable.

3. Tell your side of the story

Briefly explain your side of the story and show your evidence to the other person. Explain how you would like to resolve the dispute. Focus on solutions. Try not to argue about who is right or wrong, or why.

4. Listen to the other person

Listen carefully to the other person and look at their evidence. You might want to take notes. Allow them to talk and don't interrupt. Try to consider their point of view, even if you don't agree.

5. Focus on the issues, not the emotions

Stay focused on the issues, not on your emotions or the behaviour of the other person.

6. Start negotiating

Start coming up with possible solutions. Make offers and counter-offers. A successful conciliation happens when both parties agree on a solution.

7. Only agree to what you think is acceptable

Be sure you only agree to an outcome you find acceptable. Keep in mind there has to be some give and take by both parties when coming to an agreement.

8. Ask for help if you're having problems

If you're having problems, ask the Conciliator, Tribunal Member or a Registry officer for help. If you feel threatened by the other person, let the Conciliator or security officer know immediately.

9. If you reach an agreement

Write down your agreement on the form provided. If a Conciliator is available they can help you write it down. Before your agreement is made into a legally binding order, you will be asked if you understand the agreement, and confirm you made it voluntarily.

10. If you don't reach an agreement

If you can't reach agreement, the hearing will go ahead on the same day or at a later date. Think about whether your issues are important enough to come back on another day which may increase the time, cost and inconvenience to you.

Need more information?

Visit **www.ncat.nsw.gov.au** or call 1300 00 6228.

NCAT
NSW Civil &
Administrative Tribunal

March 2017

Strata application

CONSUMER AND COMMERCIAL DIVISION | STRATA LIST

18/01271

Use this form to apply to NCAT's Consumer and Commercial Division for Tribunal orders under the *Strata Schemes Management Act 2015*.

RECEIVED
09 JAN 2017
NCAT
SYDNEY

File Number
Office use only

1. DISPUTE DETAILS

A. HAVE YOU TRIED TO SETTLE THIS DISPUTE THROUGH MEDIATION?
If you have not attempted mediation you should get advice from NSW Fair Trading.

☒ **Yes** Please provide evidence of the mediation outcome (see attachment page 1)
☐ **No** If no, why?

B. ADDRESS OF STRATA SCHEME

Strata Plan (SP) Number: 50785

Address: Côte d'Azur 1 McDonald Street Cronulla 2230

C. ADDRESS OF MANAGING AGENT / SECRETARY OWNERS CORPORATION
Provide the address of the managing agent or secretary of owners corporation / association.

Address: The Secretary, Owners Corporation, 1 McDonald St, Cronulla 2230

D. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties and the current dispute:

2. APPLICANT

A. APPLICANT TYPE
Tick the box that best describes the person or corporation making the application.

☒ Lot owner	☐ Building manager	☐ Interested person	☐ Strata Managing Agent
☐ Owners corporation	☐ Connected person	☐ Lessor	☐ Tenant
☐ Approved insurer	☐ Developer	☐ Occupier	☐ Mortgagee
☐ Building management committee		☐ Strata Committee	☐ Lessor of Strata Scheme

B. APPLICANT'S DETAILS
Provide details of person or corporation making the application. For multiple applicants attach details on a separate sheet.

Full name: Elizabeth and Gregory Fitzgerald

Postal address: B15 1 McDonald St, Cronulla, 2230

Contact details: Daytime telephone 95273338 Mobile 0457558867

Email ffitzy@bigpond.net.au

☑ **Do you want NCAT notices and correspondence emailed to you?**
By ticking this box you agree to receive the notice of hearing and other future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.

3. RESPONDENT

A. RESPONDENT TYPE

Tick the box that best describes the person or corporation you are making the applicant against.

- ☐ Lot owner
- ☐ Owners corporation
- ☐ Approved insurer
- ☐ Building management committee
- ☐ Building manager
- ☐ Connected person
- ☐ Developer
- ☐ Interested person
- ☐ Lessor
- ☐ Occupier
- ☒ Strata Committee
- ☐ Strata Managing Agent
- ☐ Tenant
- ☐ Mortgagee
- ☐ Lessor of Strata Scheme

B. RESPONDENT'S DETAILS

Provide the respondent's name and their postal address. For multiple respondents attach details on separate sheet. If the respondent is a company or business, please attach a current business name extract or company extract from ASIC.

Full name: Carey Beebe, Secretary, Strata Committee

Postal address: 1 McDonald Street, Croonulla, 2230

Contact details: Daytime telephone (02) 9544 0203 Mobile fax: (02) 9544 3704

Email office@cote-cronulla.net

4. ORDER DETAILS

A. WHAT ORDERS DO YOU WANT?

Write down the section/s of the *Strata Schemes Management Act 2015* and the orders you want the Tribunal to make. Refer to the attached information for sections of the Act and types of orders that can be made.

Under Section 232 - We request that the Tribunal
1 - Order the Cote dAzur Strata Committee (SP 50785) to waive the false alarm fee ($1600) and related processing fee ($176) issued to us on 10 July 2017 in an invoice dated 13 June 2017.
2 – Order the Cote dAzur Strata Committee to instruct the Strata Manager to reverse all Arrears Notice Fees (totalling $206.50) issued to us beginning on 6 October 2017.

B. REASONS FOR ASKING FOR THE ABOVE ORDERS?

You must explain why you are lodging this application and asking for Tribunal orders by providing as much information as possible. If the space below is insufficient you can attach additional information to this form.

Please see attached additional information. Pages 2-5

C. WHO COULD BE AFFECTED BY THE ORDERS SOUGHT IN THE APPLICATION?

You must explain who will be affected if the orders sought are made by the Tribunal.

If the orders are made by the Tribunal we will be affected because we will not be required to pay the amount of $2141.42 for which we do not believe we are liable.

☐ **I have attached a copy of the strata roll to this application**

5. HEARING

A. UNAVAILABLE DATES

Indicate dates you are unable to attend hearing in the next 4 weeks: 8/1, 10/1, 11/1, 18/1, 12/1

B. SPECIAL NEEDS

Indicate whether you have any special needs such as a hearing loop or wheelchair access:

C. INTERPRETER

Do you need an interpreter for the hearing? ☐ Yes ☒ No

If yes, specify language and dialect:

6. APPLICATION CHECKLIST

☑ **I have attached all other documents relevant to this application**
Include all relevant information with your application. Attach details of multiple applicants or respondents, or further information about the orders you are seeking. Note: A copy of this application and any attachments will be sent to the respondent.

☐ **I have attached a recent ASIC company or business name extract**
If the respondent is a company or business, attach a current business name extract or company extract from ASIC which shows the organisation's registered name and address. Extracts can be purchased online from the ASIC website.

☑ **I have made a copy of this application for my own records**
Before lodging your application with NCAT you must make a copy of your application for your own records.

☐ **I have attached the application fee**
Refer to the fee schedule on the NCAT website. Credit card payments can be made by submitting a credit card authority form with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or Service NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.

If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the fee waiver request form.

7. SIGNATURE

Applicant's signature or signature of representative.

Name Gregory and Elizabeth Fitzgerald **Position title** *(if company)*

Signature G Fitzgerald E Fitzgerald **Date**

Lodge your Application with the fee at your nearest NCAT Registry
For NCAT Consumer and Commercial Division Registry locations visit the NCAT website. For all NCAT enquires telephone 1300 006 228 or visit www.ncat.nsw.gov.au.

Attachment: Page 1

NSW GOVERNMENT | Fair Trading

Strata Mediation, Market Relations
PO Box 972
Parramatta NSW 2124
Tel: 13 32 20
www.fairtrading.nsw.gov.au

Mr Gregory & Mrs Elizabeth Fitzgerald
15B/1-3 McDonald Street
CRONULLA NSW 2230

Phone: (02) 9895 2794
joanne.burke@finance.nsw.gov.au
5 December, 2017

Dear Mr & Mrs Fitzgerald

Application for Mediation. SP: 50785. File No: SM17/1731JB
1-3 McDonald Street CRONULLA NSW 2230

I refer to your application for mediation concerning issues relating to a false alarm call out fee and associated charges being charged to unit 15B.

The *Strata Schemes Management Act 2015* sets out specific provisions for the resolution of disputes, the first step being mediation.

In this instance, mediation has been declined by the Owners Corporation.

If the issues you described in your mediation application remain unresolved, you have the option to apply for a hearing at the NSW Civil and Administrative Tribunal (NCAT) – www.ncat.nsw.gov.au. If you choose this option, I suggest you contact the Fair Trading Contact Centre on **13 32 20** to ensure the issues you have raised are matters that can be resolved by the Tribunal.

Should you decide to proceed with an application with NCAT, you will be required to indicate on your application form that mediation has been attempted, by attaching a copy of this letter to the application.

I have enclosed information about the resolution of strata disputes and an application form.

Yours sincerely

Jo Burke
Mediator
for the Secretary of the Department of Finance, Services and Innovation

ADDITIONAL INFORMATION

ORDER DETAILS

B REASONS FOR ASKING FOR THE ABOVE ORDERS

In relation to the 1st order –

1. We are lodging this application because we do not believe that we should be held liable for the False Alarm Fee and Processing Fee that was issued to us in a letter from Daniel Goodwin, Strata Title Management, dated 10 July 2017. We have sought mediation through NSW Fair Trading (Refer Application for Mediation File No: SM17/1731JB). We have written to Mr Carey Beebe (Secretary, The Owners Corporation) and Mr Goodwin requesting that these two fees be withdrawn. We finally engaged Mr Paul Jessop, lawyer, to act on our behalf to have the claim for reimbursement in the Notice of Overdue Levies dated 9 November 2017 be withdrawn.

The reasons for asking for the first order are as follows:

2. NSW Fire and Rescue (NSWFR) attended our apartment on 17 May 2017 due to the smoke detector in our bedroom activating an alarm. Our son had been showering. On 18 May 2017 Herman Edenton, the Cote dAzur cleaner, sent our son the Fire Monitoring Report issued by ADT Fire Monitoring (ADT). We were shocked to read that the fire alarm had been activated due to steam and that it was a "Billable" Event. We were shocked because when we took possession of our unit in May 2015 there was no exhaust fan in the bathroom and we were never required to have one. We were not aware that the smoke detectors could be set off by steam and to our knowledge the by-laws at that time made no mention of steam as a possible cause for triggering an alarm. In fact, we always showered with the bathroom and balcony door open in order to reduce the build-up of steam in the bathroom, unaware of the risk of activation due to steam. We formally applied for approval to install an exhaust fan which was granted in November 2015. For the first six months of our residence in Unit 15B the alarm in the bedroom did not go off once during that time. The first, and only time the detector in the bedroom sounded the alarm was on 17 May 2017.

3. On 22 May 2017 I advised Mr Edenton we intended to dispute the liability for the false alarm fee. I was advised to contact ADT to get the Application for Waiver of the False Alarm Charge. I was subsequently contacted by ADT who advised that I could not apply for a waiver and that a "Waiver Application can only be applied for by a representative of the entire building".

4. We wrote to the Cote dAzur Executive Committee on 1 June 2017 rejecting liability for the false alarm fee. We outlined our attempts to apply for a Waiver Application and advised that a waiver could only be applied for by a representative of the building. We attached a blank Waiver Application, included details that we thought were relevant to assist with completing the application and expected that in due cause a representative would apply for a waiver of the false alarm fee on our behalf. We received no correspondence or reply to our letter until Mr Beebe wrote to us on 29 June 2017, nearly two months later.

5. Mr Beebe explained in a letter dated 29 July 2017 that he had filed a waiver request along with additional information on ADT's demand and he was "optimistic" that NSW Fire and Rescue (NSWFR) would honour the waiver request.

We assert that the fact that the Owners Corporation decided that it was necessary to modify the detector in the bedroom from a back to base alarm to a localised alarm indicates that the detector was not fit for its purpose at the time the alarm was triggered, which resulted in the false alarm callout on 17 May 2017.

. Changes were made to the detector in our bedroom on 7 June 2017 by Ryan, the Cote dAzur fire contractor, Newsound Fire Services (NFS). When he attended, Ryan explained that the alarm was now a

localised alarm and would no longer go back to base and cause the fire brigade to attend. Importantly, when Ryan attended our apartment on 7 June 2017 he told us that in his view the detector in the bedroom should never have been installed so close to the bathroom.

7. We informed Mr Beebe on 31 July 2017 of this conversation with NFS and we asserted that the fire detection system installed in our apartment, sometime prior to 2 May 2017, was installed in error. Furthermore, we asserted that we did not believe we were liable for a cost which was caused because an incorrect fire detector had been installed in our apartment and that the liability for this cost, including liability for the ADT processing fee should be assumed by whoever was responsible for the installation of the fire detector.

8. On 12 October 2017 we submitted an application for Mediation to NSW Fair Trading (File NO: SM17/1731JB). Mediation was set to occur on 10 December 2017. We were advised on 5 December 2017 that mediation was declined by the Owners Corporation.

9. We were issued with a Final Notice of Overdue Levies dated 9 November 2017 that foreshadowed legal action if we failed to pay the full amount outstanding. On 6 December our lawyer, Paul Jessop, wrote to Mr Goodwin, demanding that the claim for reimbursement in the Notice of Overdue Levies dated 9 November 2017 be withdrawn because the claim for reimbursement of the false alarm fees, was improperly founded. Additionally, Mr Jessop advised Mr Goodwin we would make an application to NCAT for appropriate orders in relation to the claim if it was not withdrawn.

10. Mr Beebe contacted Mr Jessop on 12 December 2017. In his letter he said he was optimistic that "NSWFR" might honour the waiver request and that if they do "the committee may be agreeable to instruct the Strata Manager to reverse the other charges on the Fitzgerald's account." He also advised that NSWFR typically take four months to review waiver applications. The waiver application is now well overdue in terms of a resolution.

11. While Mr Beebe pursued a waiver of the callout fees issued by NSWFR we have contacted Mr Goodwin on three occasions advising that we were disputing the liability for the false alarm callout. We requested that, while the matter was being disputed, the Notice of Levy Contributions be reissued without the False Alarm Fee and Processing Fee. This did not occur.

12. We met with the NFS contractor again on 14 December 2017 in our unit to check again that the detectors had been installed correctly. He recalled the conversation we had on 7 June 2017 relating to the unsuitable placement of the smoke detector in the bedroom. He stated that in order to reduce the false alarm callouts, the alarms in the bedrooms of all the low-rise buildings were converted from back to base to localised alarms.

13. In spite of our repeated requests to Mr Goodwin to separate the false alarm fee and related processing fee on each of our Notice of Levy Contributions because of escalating fees, we were issued with a Final Notice dated 9 November 2017 requesting payment of the total amount outstanding within 28 days.

14. Following matters raised in a letter dated 12 December 2017 by Carey Beebe, Committee of the Owners Corporation, Mr Jessop wrote to Mr Beebe on 15 December 2017. Mr Jessop confirmed that we would proceed with the NCAT application if all related fees and charges were not withdrawn within three working days of his letter dated 15 December 2017.

15. We are requesting the Tribunal to make the first order for all the reasons we have stated.

In relation to the 2nd order –

1. We are lodging this application because we do not believe that we should be liable for the three subsequent Arrears Notice Fees that were added to our lot levy account on the following dates and for the following amounts:

6 October 2017	$61.50
20 October 2017	$61.50
9 November 2017	$83.50

The reasons for requesting the second order are as follows:

2. We wrote to Daniel Goodwin, Strata Title Management on three occasions advising that we were disputing the liability for the false alarm callout. We asserted that we did not believe we should be held liable for a cost which was caused because an incorrect detector had been installed in our apartment. We requested that, while the matter was being disputed, the Notice of Levy Contributions be reissued without the False Alarm Fee and Processing Fee. This did not occur and subsequent Reminder Notices included the three Arrears Notice Fees referred to above. This occurred even though we paid the combined Admin and Capital Works Fund amounts by the due dates.

3. The first occasion was on 18 July 2017. We advised Mr Goodwin by email that we wanted to dispute our liability for the False Alarm Fee and Processing Fee as the fire contractor, NFS, had attended our apartment and made modifications to the detector in the bedroom at 7.30am on 7 June 2017. When he attended the contractor explained that the alarm was now a localised alarm and would no longer go back to base and cause the fire brigade to attend. Importantly, when the contractor attended our apartment he told us that the detector in the bedroom should never have been installed so close to the bathroom. Our letter to Mr Goodwin, therefore, advised that we did not believe we were liable for the cost which was caused because an incorrect detector had been installed in our apartment. We also provided Mr Goodwin with a copy of the letter we wrote to the Owners Corporation, dated 1 June 2017, advising that we did not believe we should be liable for the false alarm. He acknowledged receiving our email and sent it to the Committee

4. The second occasion was n 20 July 2017. We wrote again to Mr Goodwin and advised that because the liability for the false alarm fee was under dispute we requested that the invoice dated 14 July 2017 be reissued to only show the Admin Fund and Capital Works Fund, without the false alarm fee ($1600) and related processing fee ($176), which would leave a total amount of $1293.60 remaining payable. A new Notice of Levy Contributions dated 25 July was issued that still included the false alarm fee ($1600) and related processing fee ($176) and without explanation, an additional two Capital Works Fund amounts not stated in the previous notice.

5. On 28 August 2017 we paid $1414.88 from the Notice of Levy Contributions dated 25 July 2017, prior to the due date. This amount was based on deducting the false alarm fee ($1600) and related processing fee ($176) from the amount payable.

6, After receiving a Notice of Overdue Levies dated 6 October and a subsequent Reminder Notice dated 20 October 2017 we wrote to Mr Goodwin on 5 November 2017 for the third time. In the mean time we had applied for mediation at NSW Fair Trading so we requested that the Reminder Notice dated 20 October 2017 be deferred until the matter was resolved. After receiving the Notice of Levy Contributions dated 25 October 2017 and due to be paid on 1 December 2017 we requested again that it be reissued to only show the amounts for the Admin Fund and Capital Works Fund hoping the matter would be resolved through mediation.

7. In spite of our repeated requests to Mr Goodwin to separate the false alarm fee and related processing fee on each of our Notice of Levy Contributions we were issued with a Final Notice dated 9 November 2017 requesting payment of the total amount outstanding within 28 days.

8. On 29 November 2017 we paid $1334.03 from the Notice of Levy Contributions dated 25 October 2017, prior to the due date. This amount was based on deducting the false alarm fee ($1600), the processing fee ($176) the three Arrears Notice Fees and other related charges from the amount payable.

9. On 5 December 2017 Jo Burke, Mediator Strata Mediation, Market Relations Fair Trading advised that the Owners Corporation had declined mediation so we sought legal advice.

10. On 6 December our lawyer, Paul Jessop, wrote to Mr Goodwin, demanding that the claim for reimbursement in the Notice of Overdue Levies be withdrawn otherwise we would be forced to make an application to NCAT for appropriate orders in relation to the claim.

11. Following matters raised in a letter dated 12 December 2017 by Carey Beebe, Committee of the Owners Corporation, Mr Jessop wrote to Mr Beebe on 15 December 2017. Mr Jessop confirmed that we would proceed with the NCAT application if all related fees and charges were not withdrawn within three working days of his letter dated 15 December 2017.

12. We are requesting the Tribunal to make the second order for all the reasons we have stated.

STM | STRATA TITLE MANAGEMENT
your strata care company

STM Sydney South
ABN: 43 119 665 762

PO Box 2727
Taren Point NSW 2229
t: (02) 9540 4199
f: (02) 9540 3943
sydney@stratatitle.com.au
www.stratatitle.com.au

Dated 10th July 2017
Our Ref: DG: LS: SP50785 – Reimbursement of Invoice – B15, Lot 22

Gregory & Elizabeth Fitzgerald
B15/1 McDonald Street
CRONULLA NSW 2230

RE: Reimbursement of Invoice – B15, Lot 22
Strata Plan 50785| 1 McDonald Street, CRONULLA

Dear Mr and Mrs Fitzgerald,

We write as the Strata Managing Agents for 1 McDonald Street, Cronulla, in relation to the enclosed ADT Fire Monitoring Invoice.

We wish to advise that the Owners Corporation of Strata Plan 50785 are seeking reimbursement of the enclosed invoice in the amount of $1600.00 as the false alarms in Apartment B15, Lot 22, are believed to be caused by activation due to steam.

We kindly request that payment of the enclosed invoice be made at your earliest convenience.

We appreciate your attention to the matter at hand, should you require further information please do not hesitate to contact our office.

Yours faithfully
STRATA TITLE MANAGEMENT

Daniel Goodwin
SENIOR STRATA MANAGER
dgoodwin@stratatitle.com.au

TAX INVOICE

Tyco Australia Group Pty Limited ABN 93 076 836 416 ACN 076 836 416
trading as ADT Fire Monitoring

ADT Fire Monitoring
A Tyco Business

Owners Corp SP 50785*
1 McDonald Street
CRONULLA NSW 2230

Account Enquiry	1300 723 036
Invoice Date	13/06/2017
Customer No.	216507
Date Due	13/07/2017
Invoice No.	644495

Site No. 6732491
COTE D~AZUR
1 MCDONALD ST

False Alarm Fees to FB 30/05/2017 - 19:38 35611 Incident: 95215 Description: Alarm activation due to steam - e.g. shower; bath; sauna; kettle; steam room; etc Period 01/05/17 - 31/05/17 Advice No: 9100000936	1.0	$1600.00	$1600.00
False Alarm Fees to FB 17/05/2017 - 21:23 35611 Incident: 88492 Description: Alarm activation due to steam - e.g. shower; bath; sauna; kettle; steam room; etc Period 01/05/17 - 31/05/17 Advice No: 9100000936	1.0	$1600.00	$1600.00
Processing Fee False Alarm Processing Fee	1.0	$320.00	$320.00

Sub Total	**$3520.00**
G.S.T	**$32.00**
G.S.T Inclusive TOTAL	**$3552.00**

For account queries email adt-credit@tycoint.com

ADT
s Monitoring

T payment to:
nk: Westpac Corporation BSB: 034-002 Account: 260362
mit To: 02 9947 7321 or Email: adt-accountsquery@tycoint.com

T Fire Monitoring
Box 7249 Silverwater NSW 2128
w.adtfire.com.au

Customer No.	**216507**
Date Due	**13/07/2017**
Invoice No.	**644495**
Amount Due	**$3552.00**

INVOICE SUMMARY

TAX INVOICE
ABN 44 494 936 251

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Date of Issue	29 June 2017
A/c Number	22
Unit Number	B15
Lot Number	22
Page Number	1

Strata Plan No. 50785

Date	Type	Details	Reference	Amount	GST	Total Amoun
29/06/17	Other	False Alarm Fee ADT #644495	M0010456	1,600.00		1,600.00
29/06/17	Other	Processing Fee ADT #644495	M0010457	160.00	16.00	176.00
TOTALS				1,760.00	16.00	$1,776.00

Amounts on this invoice include GST where indicated

AMOUNT DUE AND PAYABLE: $1,776.00

Please make your cheque payable to Please pay as directed on the Payment Slip COTE D'AZUR 50785

Teller stamp and initials

Amount Paid
$
Date Paid
/ /

Tel: 1300 552 311
Ref: 1088 4735 3
Telephone: Call this number to pay by credit card using a land line or mobile phone. International +613 8648 0158

www.stratamax.com.au
Ref: 1088 4735 3
Internet: Visit this website to make a secure credit card payment over the internet.

Tel: 1300 552 311
Ref: 1088 4735 3
Direct Debit: Make auto payments directly from your nominated bank account or credit card. Go to www.stratapay.com/ddr to register.

By using StrataPay payment options you are taken to have read and agreed to the User Terms & Conditions available at www.stratapay.com or by phoning 1300 135 610. Additional charges may apply.

STRATAPAY A Smarter Way...
VISA

Account Reference
22/ 50785/1000000022
Reference Name
FITZGERALD G J & E I

StrataPay Reference No.
1088 4735 3

Due Date
06 Jul 17

Amount
$1,776.00

BPAY Biller Code: 96503
Ref: 303037196 1000 0000 223
BPay: Contact your participating financial institution to make a payment from your cheque or savings account.

In Person: Pay by cash, cheque or EFTPOS at any Post Office in Australia. Payments made at Australia Post will incur a $2.75 DEFT processing fee.

Mail: Send this payment with your cheque to:
DEFT Payment Systems,GPO Box 4690
Sydney NSW 2001

Make cheques payable to:
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

DEFT

DEFT Reference Number
303037196 1000 0000 223

Managed by
Strata Title Management
Account
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

*442 303037196 10000000223

+303037196 10000000223<

From: ffitzy@bigpond.net.au <ffitzy@bigpond.net.au>
To: office@cote-cronulla.net
CC: cb@hpschd.nu, cotedazurcronulla@gmail.com
BCC: lzbth.ftzgrld@gmail.com
Date: Jun 1, 2017 11:48:46 AM
Subject: **False Alarm Waiver Unit 15B**
Attachments: False Fire Alarm Unit15B.pdf</nobr>, <nobr>Waiver Request Form (NSW).pdf

Hi Please refer to both attachments
Kind regards
Greg and Liz Fitzgerald

Attachment Page 10

1st June 2017
To the Executive Committee

We want to dispute the cause of the alarm (No: 88492) and reject the liability for the incident. The background is as follows:

On 18th May 2017 our son Adam received an email from Herman that was sent by ADT with the following subject line. **"ADT Fire Monitoring Report 17.05.2017"** stating that Incident No: 88492 will be a Billable Event. It also stated False Alarm Code: 768

Fire Alarm Description: Alarm activation due to steam - e.g. shower; bath; sauna; kettle; steam room; etc

We subsequently contacted ADT Fire Monitoring to get a Fire Alarm Waiver Form so that we could dispute the cause of the alarm and the liability which was being issued to our unit.

On 26th May 2017 ADT contacted us to advise that the "Waiver Applications can only be applied for by a representative of the entire building." We have attached the form.

The reasons we reject the liability are as follows:

- When we moved into Unit 15B in May 2015 there was no fan exhaust system in the bathroom. For the next 6 months the steam that was created from showering never caused an alarm.
- At our cost we sought approval from Strata Title Management to have a window exhaust installed. Approval was received on the 4th November 2015. (Reference NAH: SP50785 Lot 22 B15 Window Exhaust Approval 041115
- A new Fire Alarm System was installed to Cote D'Azure. New sensors were installed in Unit 15B. On the 2nd May 2017 we sent a photo to Herman of the fire sensor located in 15B living area which had become loose because of hammering and alterations that had been made in the stairwell. I arranged access for the fire contractor to fix the sensor to the ceiling. This was repaired on 10th May 2017
- Around the 2nd May Herman was taking measurements of floor to window heights in the bathroom. I explained that the fan exhaust was disconnected and that we had arranged for this to be reconnected. (This was completed 24th May)
- The fan had stopped working prior to the installation of the new Fire Alarm system ie for several months normal bathroom use had not caused a false alarm.

s owners we were never told it was a requirement to have a bathroom exhaust fan installed. If ATD deem that the lse alarm is due to steam then it is a building fault or the sensors need to have their activation levels adjusted. It ems more than a coincidence that no false alarms had occurred for the many months that the bathroom was in e without a fan installed. Additionally, it seems odd that the alarm went off following in the week following the nsor coming loose from the ceiling.

e would like to know the process that is followed should a similar event occur in the future. We travel from time to ne and our adult children sometimes stay over while we are away. We would like to ensure that email notifications : sent to either of our email addresses that are on file, rather than our children.

ase don't hesitate to contact us if you need anything clarified in relation to this matter.

d Regards

g and Liz Fitzgerald

...Alarm Charge Dispute

ADT Invoice Number: _____

Advice No: _____

AFA No: _____

Incident No: _____

Incident Date: _____

(the above information can be found on the Fire Brigade report attached to the invoice)

Please state your Fire Protection Company (FPC)	
WORMALDS FIRE PROTECTION	
If other please state:	

(√) **Fire Monitoring**

Fire Alarm Monitoring

ADT Fire Monitoring
PO Box 529
RYDALMERE BC NSW 1701
Telephone: +61 9947 7527
Facsimile: + 61 1300 363 410

The above section must be completed in full

Total value of disputed charges: _____

Please Note: This dispute may hold payment of this incident(s) **alone** and does not impact other outstanding amounts.

Reason For Disputed Charges: Please Provide a Detailed Explanation as to why you believe the Charges should be Waivered)

PLEASE PRINT (Black Pen) A DETAILED EXPLANATION (If the dispute is FPC related -see above, please state NAME and CONTACT NUMBER of FPC)

Fire & Rescue NSW imposes a 180 day limit to waiver submissions. Waivers must be submitted within 180 days from the FRNSW False Alarm Invoice date. For more information regarding waiver criteria please contact our office or check the Fire & Rescue NSW website.

Signature: _____

Name: (please print) _____

Title: _____

Business Name: _____

Address: _____

_____

_____

_____

Phone: _____

Fax: _____ Mobile: _____

Date: _____ Email Address: _____

Office use only		
	Completed form received from client	Forwarded to NSWFB
Signature:		
Date:		

Result:

Charges waivered		NSWFB Credit No.	ADT Credit No.
Y	N		

Attachment Page 11

Gmail

Elizabeth Fitzgerald <lzbth.ftzgrld@gmail.com>

FW: LS: SP50785 - Reimbursement of Invoice - B15, Lot 22

Elizabeth Fitzgerald <lzbth.ftzgrld@gmail.com>
To: Carey Beebe <cb@hpschd.nu>
Mon, Jul 31, 2017 at 2:11 PM

Dear Ms Beebe

Thank you for explaining the Owner's Corporation position on our dispute over liability for the fire alarm call out fee LS:SP50785.

We acknowledge that NSWFR have decided that the callout fee to our apartment on May 17 was billable.

We acknowledge that the the fire detection system installed in our apartment at the time of the callout did its job.

We do, however, assert that the fire detection system installed in our apartment was installed in error. On the 7th June at 7.30am the NFS fire contractor came to our apartment and modified the detector in the bedroom. He stated that the detector which caused the false alarm should never have been installed so close to the bathroom and that the alarm was now localised and would not cause the Fire Brigade to attend.

We do not believe that we are liable for a cost which was caused because an incorrect fire detector had been installed in our apartment. The liability for this cost, including liability for the ADT processing fee, should be assumed by whoever was responsible for the installation of the fire detector.

We are currently seeking advice from our solicitor.

Yours sincerely
Elizabeth and Gregory Fitzgerald
Owners: 15B/ 1 McDonald St
Cronulla 2230
[Quoted text hidden]

From: Elizabeth Fitzgerald <lzbth.ftzgrld@gmail.com>
To: Daniel Goodwin <dgoodwin@stratatitle.com.au>
BCC: ffitzy@bigpond.net.au
Date: Jul 20, 2017 10:32:08 AM
Subject: Re: LS: SP50785 - Reimbursement of Invoice - B15, Lot 22
Attachments: STM levy contributions.pdf

Dear Mr Goodwin

Thank you for your speedy reply to our previous email. We are hoping that the Owners Corporation will be just as quick to respond.

Further to this matter: Today we received the attached invoice payable by the 1/9/17. We draw your attention to the fact that this invoice includes an amount of $1776.00 simply identified as "Previously invoiced, due as per previous notice." We can only conclude that this amount is for the False Alarm Fee of $1600.00 and a Processing Fee of $176.00. As you are aware the liability for this fee is presently under dispute.

We kindly request that this invoice be reissued at your earliest convenience to show only the Admin Fund and Capital Works Fund, a total of $1293.60.

We appreciate your attention to this matter.

Yours faithfully

Elizabeth and Gregory Fitzgerald

Owners: Apartment B15 / 1 McDonald St

Cronulla NSW 2230

On Wed, Jul 19, 2017 at 8:54 AM, Daniel Goodwin <dgoodwin@stratatitle.com.au> wrote:

Hi Elizabeth,

Thanks for your email.

I have sent to the Committee for their consideration.

Kind regards,

Daniel Goodwin

Senior Community Manager / Business Development Manager

Phone: (02) 9540 4199 | Direct: (02) 9266 2665 | Email: dgoodwin@stratatitle.com.au |

Address: PO Box 2727, Taren Point, NSW 2229

STM Building Smarter Communities
STRATA TITLE MANAGEMENT

Emailed Communication / Documents Disclaimer

STM Limited takes no responsibility for content included in this email when relating to a client matter.

Please view Vesture's full email communication disclaimer on our website – www.stratatitle.com.au/disclaimer/

Important Notice: Owners should be aware that all correspondence, including letters, facsimile transmissions and emails are retained on the file of your scheme and may be subject to inspection by owners and residents within your scheme, as well as prospective purchasers for any lot that may be for sale within your scheme. As such author discretion is advised.

From: Elizabeth Fitzgerald [mailto:lzbth.ftzgrld@gmail.com]
Sent: Tuesday, 18 July 2017 6:02 PM
To: Daniel Goodwin <dgoodwin@stratatitle.com.au>
Subject: DG: LS: SP50785 - Reimbursement of Invoice - B15, Lot 22

Dear Mr Goodwin

Please be advised that we have no intention of paying the invoice of $1600.00 for the false alarm in apartment B15 Lot 22.

I draw your attention to the attached letter which was originally emailed to the Owners Corporation on 1st June and also delivered to their letterbox in hardcopy. We received no reply to this communication. We were advised by the Cote D'Azur cleaner, that the Fire Contractor, NFS, would check the operation of the detectors in our apartment on 7th June at 7.30am.

When the contractor attended our apartment he modified the detector in the bedroom. It is now a localised alarm and will no longer go back to base and cause the Fire Brigade to attend. He told us that the detector in the bedroom which had caused the false alarm callout should never have been installed so close to the bathroom.

We do not believe that we are liable for a cost which was caused because an incorrect fire detector had been installed in our apartment.

We would appreciate your quick reply to this email. We are willing to take this matter further if necessary.

Yours faithfully

Elizabeth and Gregory Fitzgerald

Owners: Apartment B15 / 1 McDonald St

Cronulla NSW 2230

Attachment Page 15

STM | STRATA TITLE MANAGEMENT
your strata care company

Taren Point
ABN: 43 119 665 762
PO Box 2727
Taren Point NSW 2229
t. (02) 9540 4199
f. (02) 9540 3943
e. sydney@stratatitle.com.au
www.stratatitle.com.au

Strata Schemes Management Act 2015

Notice of Levy Contributions

TAX INVOICE
ABN 44 494 936 251

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Notice Date	14 July 2017		
Lot Number	22	Unit Number	B15
Account Number	22		
Entitlements	49 / 0		

The Owners

Strata Plan No. 50785

1 McDonald Street Cronulla NSW 2230

Account	Period	Due Date	Amount	Discount	If paid by	Net Amount
Admin Fund	01/09/17 to 30/11/17	01/09/17	898.33	89.83	01/09/17	808.50
Capital Works Fund	01/09/17 to 30/11/17	01/09/17	539.00	53.90	01/09/17	485.10
Previously Invoiced, due as per previous notice			1776.00			1776.00

$1293.60

levies include GST)
ST component on gross of $1,437.33 is $130.67 or on net of $1,293.60 is $117.60
lease pay as directed on the Payment Slip
nterest at the rate of 10% per annum is payable on overdue Fees.

Amount Payable $3,069.60

Tel: 1300 552 311 Ref: 1088 4735 3 — **Telephone:** Call this number to pay by credit card using a land line or mobile phone. International +613 8648 0158

www.stratamax.com.au Ref: 1088 4735 3 — **Internet:** Visit this website to make a secure credit card payment over the internet.

Tel: 1300 552 311 Ref: 1088 4735 3 — **Direct Debit:** Make auto payments directly from your nominated bank account or credit card. Go to www.stratapay.com/ddr to register.

By using StrataPay payment options you are taken to have read and agreed to the User Terms & Conditions available at stratapay.com or by phoning 1300 135 610. Additional charges may apply.

PAY Biller Code: 96503 Ref: 303037196 1000 0000 223 — **BPay:** Contact your participating financial institution to make a payment from your cheque or savings account.

In Person: Pay by cash, cheque or EFTPOS at any Post Office in Australia. Payments made at Australia Post will incur a $2.75 DEFT processing fee.

Mail: Send this payment with your cheque to: DEFT Payment Systems, GPO Box 4690 Sydney NSW 2001

Make cheques payable to: Vesture Mgmt P/L ITF SP 50785 ABN 44 494 936 251

STRATAPAY A Smarter Way...

VISA

Account Reference
22/B15 50785/1000000022
Reference Name
FITZGERALD G J & E I

DEFT

DEFT Reference Number
303037196 1000 0000 223

StrataPay Reference No.
1088 4735 3

Due Date
01 Sep 17

Amount
$3,069.60

Managed by
Strata Title Management
Account
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

*442 303037196 10000000223

5th November, 2017

Dear Mr Goodwin,

We are writing in relation to the reimbursement of the Invoice (LS: SP50785 - B15 Lot 22) and subsequent reminder notices issued to us (attached). As this matter has been referred to the Department of Fair Trading for mediation we are requesting that the Reminder Notice dated 20 October 2017 be deferred until the matter has been resolved.

Further to this matter we request that the Notice of Levy Contributions due to be paid on the 1st December 2017 be reissued to show only the Admin Fund and Capital Works Fund amounts until this matter has been resolved.

Yours faithfully,

Gregory Fitzgerald and Elizabeth Fitzgerald

Owners: Apartment B15 1 McDonald Street

Cronulla 2230

From: Herman Edenton <office@cote-cronulla.net>
To: Greg Fitzgerald <ffitzy@bigpond.net.au>
Date: May 23, 2017 1:10:16 PM
Subject: **Fwd: ADT Fire Monitoring Report 17.05.2017**

Hi Greg.,

Please contact the following:-

****

Herman,
Advise the lot owner to contact ADT 1300 360 575 for an application for waiver for fire alarm.

This Is steam related ... and the exhaust fan disconnected.

****

Herman.

Begin forwarded message:

From: Greg Fitzgerald <ffitzy@bigpond.net.au>
Subject: **Fwd: ADT Fire Monitoring Report 17.05.2017**
Date: 22 May 2017 at 16:23:24 AEST
To: office@cote-cronulla.net

Hi Herman
I'm following up on the fire alarm report that was sent to my son Adam. We intend to dispute the liability for the cost of the call out. Please let us know the process for this.
Thanks
Greg Fitzgerald Unit 15B

---------- Forwarded message ----------
From: **Herman Edenton** <office@cote-cronulla.net>
Date: Thu, May 18, 2017 at 4:58 PM
Subject: Fwd: ADT Fire Monitoring Report 17.05.2017
To: adamfitz86@gmail.com

Hi Adam,

Please find the report.

Regards,

Herman

Begin forwarded message:

From: "Ainsworth, Annette" <aainsworth@tycoint.com>
Subject: **ADT Fire Monitoring Report 17.05.2017**
Date: 18 May 2017 at 09:21:47 AEST
To: "office@cote-cronulla.net" <office@cote-cronulla.net>, "cotedazurcronulla@gmail.com" <cotedazurcronulla@gmail.com>, "cb@hpschd.nu" <cb@hpschd.nu>

Dear Customer,

IMPORTANT NOTICE: FIRE & RESCUE NSW WILL INCREASE FALSE ALARM CHARGES FROM $1,250.00 TO $1,600.00 PER CHARGEABLE FALSE ALARM FROM 1 DECEMBER 2016. FOR MORE INFORMATION, PLEASE CONTACT FIRE & RESCUE NSW ON 02 9742 7550

Please see below the fire alarm incident on 17.05.2017

AFA: 35611

Incident No: 88492

Date: 17.05.2017

Time: 9:23:18 PM

Building Name: COTE D'AZUR

Building Address: 1 MACDONALD ST, CRONULLA - NSW

FIP Zone:

BLD Floor:

Unit No:

False Alarm Code: 768

Fire Alarm Description: Alarm activation due to steam - e.g. shower; bath; sauna; kettle; steam room; etc

The Fire Brigade have deemed this response will be a "Billable" event.

This incident report is sent to you automatically to allow investigation of the cause and responsibility of the fire alarms without delay.

If you do not wish to receive this email in the future, or if you wish to add and/or change the email recipient/s in our database, please reply to sender requesting to remove or amend the email address.

If you need assistance or quotation to rectify the fault/malfunction, please contact your Fire Maintenance Provider.

Regards,

Annette Ainsworth
Tyco Fire and Security
Tel: +61299477527
Fax: 1300 363 410
Email: aainsworth@tycoint.com

ATTENTION RECIPIENT: This email and any attachments are confidential and may be legally privileged. Confidentiality and/or privilege is not waived or lost by mistaken delivery. If you are not the intended recipient of this email, please notify us immediately and delete it from your system. Unauthorised use of this email is prohibited. Any personal information in this email must be treated in accordance with applicable privacy laws.

This e-mail contains privileged and confidential information intended for the use of the addressees named above. If you are not the intended recipient of this e-mail, you are hereby notified that you must not disseminate, copy or take any action in respect of any information contained in it. If you have received this e-mail in error, please notify the sender immediately by e-mail and immediately destroy this e-mail and its attachments.

==========
C Ô T E d'A Z U R
==========
Strata Plan 50785
1 McDonald Street, Cronulla NSW 2230
Telephone (02) 9544 0203
Facsimile (02) 9544 3704
www.cote-cronulla.net

Attachment Page 19

STM | STRATA TITLE MANAGEMENT
your strata care company

STM Sydney South
ABN: 66 003 109 608

PO Box 2727
Taren Point NSW 2229
t. (02) 9540 4199
f. (02) 9540 3943
e. sydney@stratatitle.com.au
www.stratatitle.com.au

Dated 4th Day of November 2015
Our Ref: NAH: SP50785 Lot 22 B15 Window Exhaust Approval 041115

G & E Fitzgerald
B15/1 McDonald Street
CRONULLA NSW 2230

gregory.fitzgerald@det.nsw.edu.au

Re: Approval for Window Exhaust Installation – Apartment B15 – Lot 22 Strata Plan 50785, 1 McDonald Street, CRONULLA

Dear Mr & Mrs Fitzgerald,

We write as strata managing agents of Strata Plan 50785 in relation to your request to installation a window mounted exhaust fan to Lot 22, Apartment B15 at 1 McDonald Street, Cronulla.

We are pleased to advise that the Owners Corporation has granted you authority to carry out the proposed works, subject to the following terms and conditions being adhered to;

TERMS AND CONDITIONS

- All contractors to be suitably qualified, licensed and insured and work to be carried out in a professional manner;
- Any damage caused to common property during the proposed works must be rectified at the expense of the owner of the lot promptly and professionally;
- The repair and ongoing maintenance of the device and all associated equipment/materials are to remain the responsibility of the owner of the Lot, and any subsequent owner of the Lot;
- All expenses associated with the proposed works are to be paid by the owner of the Lot, and remain a private fixture of the Lot;
- Should one or more of these conditions not be adhered to satisfactorily, the Owners Corporation reserves the right to rescind this approval, and request that the Lot be reinstated to its original condition at the expense of the owner of the Lot, or any subsequent owner of the Lot.
- All rubbish and trade waste must be discarded in the appropriate manner and no materials may be left on common property at any time;
- The works may only be carried out between the hours of 7.30 am and 4.00 pm on weekdays only;
- The Building Manager must be given adequate notice of the commencement date of the works, including tradesperson details and duration of works;
- The works be carried out as per your original application and you must not vary the Works without first obtaining consent in writing from the Owners Corporation;
- The exhaust fan must comply with all local government requirements;
- Should the exhaust fan installation be removed the owner will be responsible for returning the common property to its original state;
- Device to be in a colour that is in keeping with the appearance of the complex;
- You must ensure that the exhaust does not make noise in a way that might unreasonably interfere with the use and enjoyment of a Lot or Common Property by

another Owner or Occupier or substantially exceed noise emission levels specified by the manufacturer.

Please sign below to acknowledge that you will adhere to the above terms and conditions. This signed form must be returned to our office prior to the commencement of any works.

Name/s: _____ Dated: _____

Signed: _____

Should you require any further information, please do not hesitate to contact our office.

Yours faithfully
STRATA TITLE MANAGEMENT

Nina Ashfield-Howell
SENIOR STRATA MANAGER
nhowell@stratatitle.com.au

Special By-law 41 — Fire safety

41.1 Fire Safety Devices ("FSD")

You shall not:

a) interfere with the operation of a FSD; and/or

b) act or omit to act in any manner so as to activate any FSD except in the event of emergencies and/or other events likely to cause a risk, hazard or danger in Cote or to any person on Cote.

41.2 Action for any breach

If you breach this By-law, the OC or the EC may:

a) carry out, at its sole discretion, all work necessary to comply with the obligations imposed on you or to remedy your breach; and

b) recover the costs it so incurs as a debt due and arising as a result of its actions under the preceding sub-clause 41.2(a).

41.3 Deeming provisions in respect of breaches

For the purposes of this clause, it is hereby agreed:

a) any act or omission in respect of clause 41.1 will be deemed to be a breach of this clause;

b) where the owner is not the occupier of the Lot, the owner will be liable to pay any amount due under the preceding sub-clause 41.3(a) should the occupier fail so to do; and

c) any document issued by a fire protection agency or authority recording:

   i) notifications to it of the risk or occurrence of fire or other like danger in Cote or the Lot;

   ii) the Lot from which the notification originated; and/or

   iii) the charges made to the OC by it for acting in response to that notification will be sufficient evidence of such notification, its origin and those charges.

41.4 Storage of inflammable substances

a) You must not, without approval, use or store on the Lot or the CP any inflammable substance; and

b) This does not apply to substances used or intended to be used for domestic purposes or if in a fuel tank of a motor vehicle or internal combustion or similar engine.

41.5 Obligations of occupiers

You must:

a) immediately notify the OC of any defect, damage, failure or malfunction of any FSD in your Lot;

b) immediately notify the OC and a fire protection agency and/or authority of any risk or occurrence of fire or other like danger or hazards in your Lot;

c) notify the OC in writing before you change the type of locks to your entry door; and

d) within 14 days after receiving written notice from the OC or pursuant to a written notice displayed on the Notice Board of the OC, grant access to your Lot to a fire consultant, appointed from time to time by the OC, for the purpose of inspecting, testing, repairing or replacing any FSD and, in this respect, the OC shall have the same rights and remedies as referred to in clause 41.2 as well as an agreed right of entry as provided for under Section 65 of the Act.

From: Carey Beebe cb@hpschd.nu
Subject: FW: LS: SP50785 - Reimbursement of Invoice - B15, Lot 22
Date: 29 Jul 2017, 4:46:45 am
To: ffitzy@bigpond.net.au
Cc: lzbth.ftzgrld@gmail.com, Daniel Goodwin dgoodwin@stratatitle.com.au, John Stevens johncecil@optusnet.com.au, Herman Edenton office@cote-cronulla.net

Dear Greg & Liz

I'm not happy with this convoluted fire billing system, but this is my understanding of how it works:

It is up NSWFR to decide if their attendance is a billable event or not. In the instance of your B15 false alarm on May 17, they decided it is indeed billable. The fire detection system did its job, but unfortunately the smoke detector cannot distinguish between smoke or steam from the shower-- and this wasn't helped by you not having a functional bathroom exhaust fan.

NSWFR is paid by ADT, our fire monitoring company. We are obliged to pay ADT, and you are obliged reimburse us under the long-standing requirement of Special By-law 41 -- Fire safety, all in that order.

I'm presently overseas on business, and have spent considerable personal time liaising with ADT and our fire contractors Newsound. I have complied and filed a waiver request and provided additional information on ADT's demand.

It is up to NSWFR to decide if they honor the waiver request or not. For your false alarm, I'm optimistic and hope they do, especially considering that we are upgrading our fire panel to fully addressable. If that is so, you will only be liable for the ADT processing fee.

We acknowledge that you don't wish to have any part of paying the false alarm fee, but I urge you to avoid penalties and interest on your strata account by paying the outstanding amount pending the (hopefully

favorable) outcome of NSWFR's investigation.

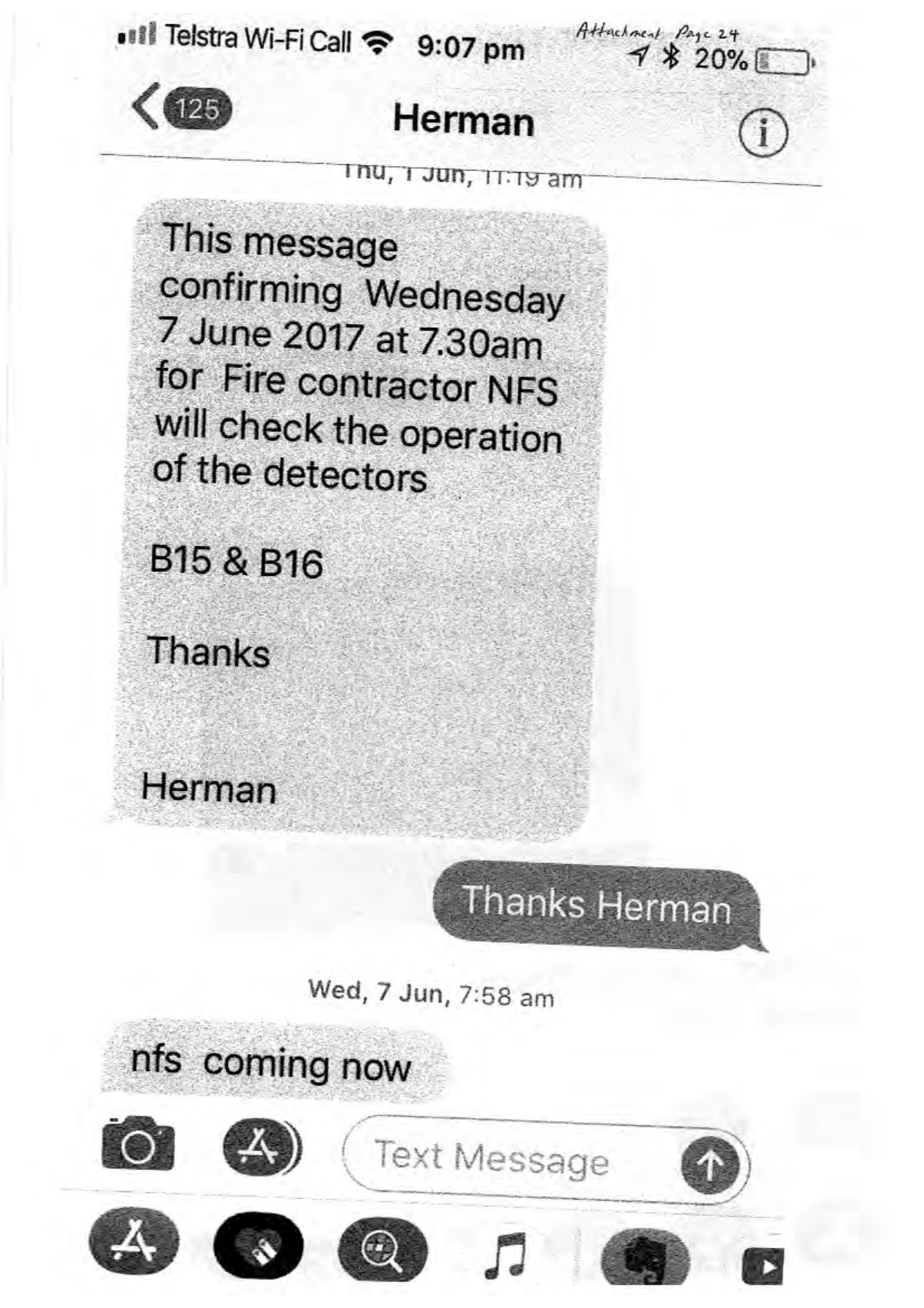
By the way, the lowrise smoke detectors have always summoned the brigade in an alarm situation. Newsound now inform me that they have reprogrammed the panel so the smoke detectors within lowrise units will only sound locally: The thermal detectors within units, or the smoke detectors in common property foyers or stairwells will continue to summon the brigade.

Trust this is a little helpful, and hope you have your exhaust fan reconnected by now to prevent any further occurrence.

Regards

Carey Beebe

==========
C Ô T E d'A Z U R
==========
Committee of the Owners Corporation
Strata Plan 50785
1 McDonald Street, Cronulla NSW 2230
Telephone (02) 9544 0203
Facsimile (02) 9544 3704
www.cote-cronulla.net

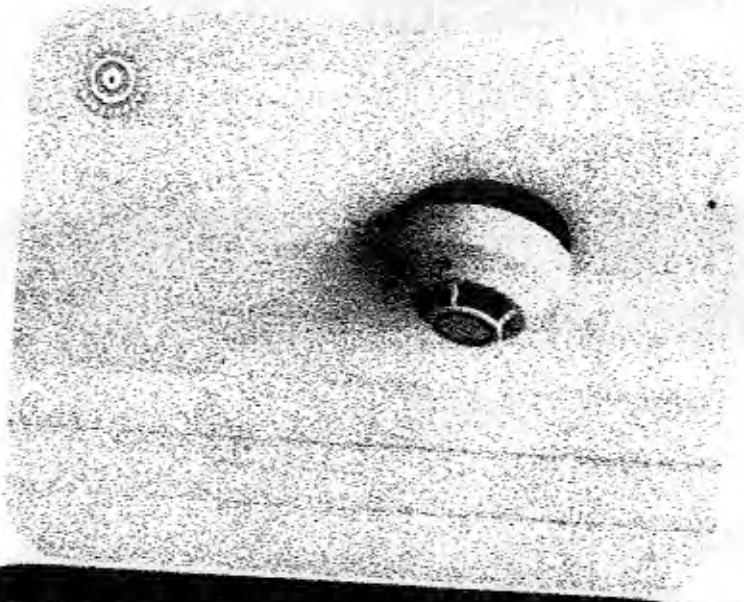

Telstra Wi-Fi Call
9:07 pm
20%
125
Herman
Thu, 1 Jun, 11:19 am
This message confirming Wednesday 7 June 2017 at 7.30am for Fire contractor NFS will check the operation of the detectors
B15 & B16
Thanks
Herman
Thanks Herman
Wed, 7 Jun, 7:58 am
nfs coming now
Text Message

Telstra Wi-Fi Call 12:34 pm 65%

124

Herman

Tue, 2 May, 10:09 am



Hi Herman One of our smoke alarm sensors has come loose. Can this be fixed by a handyman or a contractor? Thanks, Greg 15B

noted. ..will get them back to fix

FINAL NOTICE

09/11/2017

Issued on behalf of:
The Owners-Strata Plan No. 50785
ABN 44494936251

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Re: OUTSTANDING ARREARS
Lot 22 at COTE D'AZUR, 1 McDonald Street, CRONULLA NSW

Dear Owner,

We recently sent you an Arrears Notice on behalf of The Owners – Strata Plan No COTE D'AZUR ("the scheme") as a reminder to pay your outstanding strata levies, interest and/or recovery costs. You have not made full payment of your arrears as stated in the Arrears Notice.

The Strata Schemes Management Act 2015 ("The Act") provides for levies to be payable on the due dates as determined by the scheme. The Act also provides for interest to be charged on unpaid levies at a rate of 10% per annum and for the scheme to recover all recovery expenses the scheme incurs in recovering an overdue debt from you.

As at 09/11/2017 the amount outstanding on your lot and the breakdown of this amount is detailed on the following page. Interest and arrears charges are due immediately.

Payment of the total amount outstanding may be made via the payment methods listed on the following page.

If you fail to pay the total amount owing within 28 days of the date of this letter, the matter will be referred without further notice to you, to the schemes solicitors to undertake legal debt recovery action against you.

The recovery action proposed to be undertaken will include issuing a letter of demand, commencing and maintaining legal proceedings until the debt is fully recovered from you including but not limited to issuing a statement of claim in the Local Court or a court of competent jurisdiction, obtaining a court judgment and using all available methods of enforcement of the judgment debt. The scheme will seek to recover all of its costs from you in taking these actions pursuant to section 86(2) of the Act.

Should you not be able to pay the total amount outstanding within 28 days and wish to propose a payment plan, please contact and send to our office a payment plan proposal prior to the expiry of the 28 day notice period. We shall then seek instructions from the scheme about entering into a payment plan with you. PLEASE NOTE that proposing a payment plan or the existence of a payment plan does not limit the rights of the scheme to take action to recover the amount of unpaid arrears in the manner outlined above.

If payment has been made within the last seven days, please accept our thanks and disregard this letter.

Yours faithfully,
Lianna Hendy
Debt Recovery Manager
Strata Title Management Pty Ltd
Email: stmdebtrecovery@stratatitle.com.au
Telephone: 07 5519 2957

Attachment Page 27

14 H

STM | STRATA TITLE MANAGEMENT
your strata care company

Taren Point
ABN: 43 119 665 762

PO Box 2727
Taren Point NSW 2229

t. (02) 9540 4199
f. (02) 9540 3943
e. sydney@stratatitle.com.au

www.stratatitle.com.au

Strata Schemes Management Act 2015

NOTICE OF OVERDUE LEVIES

Final Notice

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Date			
9 November 2017			
A/c No	22	Lot No	22
Unit	B15	Page	1

Owners

Strata Plan No. 50785

Unpaid Levies

ccount	Period	Due Date	Amount	Discount	If paid by	Net Amount
apital Works Fund	01/09/17 to 30/11/17	01/09/17	583.92	0.00		67.37
dmin Fund	01/09/17 to 30/11/17	01/09/17	898.33	0.00		89.83
ther			1,899.00	0.00		1,899.00
terest			1.72	0.00		1.72
rrears Notice Fee			83.50	0.00		83.50

Account Balances

Admin Fund	89.83
Capital Works Fund	67.37
Overdue Interest	1.72
Other	1,899.00
Arrears Notice Fee	83.50

ross Amount Due:	$2,141.42	Discount:	Nil	Net Amount Due:	$2,141.42

Interest at the rate of 10% per annum is payable on overdue Fees.

ller stamp and initials

Amount Paid
$
Date Paid
/ /

Tel: 1300 552 311
Ref: 1088 4735 3
Telephone: Call this number to pay by credit card using a land line or mobile phone. International +613 8648 0158

www.stratamax.com.au
Ref: 1088 4735 3
Internet: Visit this website to make a secure credit card payment over the internet.

Tel: 1300 552 311
Ref: 1088 4735 3
Direct Debit: Make auto payments directly from your nominated bank account or credit card. Go to www.stratapay.com/ddr to register.

ing StrataPay payment options you are taken to have read and agreed to the User Terms & Conditions available at stratapay.com or by phoning 1300 135 610. Additional charges may apply.

PAY Biller Code: 96503
Ref: 303037196 1000 0000 223
BPay: Contact your participating financial institution to make a payment from your cheque or savings account.

In Person: Pay by cash, cheque or EFTPOS at any Post Office in Australia. Payments made at Australia Post will incur a $2.75 DEFT processing fee.

Mail: Send this payment with your cheque to:
DEFT Payment Systems, GPO Box 4890 Sydney NSW 2001
Make cheques payable to:
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

STRATAPAY A Smarter Way...
VISA

Account Reference
22/B15 50785/1000000022
Reference Name
FITZGERALD G J & E I

DEFT

DEFT Reference Number
303037196 1000 0000 223

StrataPay Reference No.
1088 4735 3

Due Date
09 Nov 17

Amount
$2,141.42

Managed by
Strata Title Management
Account
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

*442 303037196 10000000223

03037196

From: Lisa Jones
Sent: Wednesday, 6 December 2017 4:42 PM
To: 'dgoodwin@stratatitle.com.au'; 'stmdebtrecovery@stratatitle.com.au'
CC: 'paul@corbettjessoplaw.com.au'
Subject: 13009 - Fizgerald with Strata Title Management PL

Lawyer Partners: Paul Jessop B. Com. LL.B. | Michael Corbett B. Com. LL.B.
Lawyer Associates: Jenna Lincoln LL.B, GDLP. | Glenda McNee B.Com. LL.B.|
Lawyer: Henry Rodgers B. Com. LL.B.

Address: Level 2, 34 Banksia Road, Caringbah NSW 2229 |
Post: P.O. Box 543, Caringbah NSW 1495

t: 02 9525 9888 | 02 9525 7300 | f: 9540 1321 |
e: reception@corbettjessoplaw.com.au | w: www.corbettjessoplaw.com.au

corbett jessop law

EMAIL

DATE: 6 December 2017

EMAIL TO:
REF: Daniel Goodwin
NAME: Strata Title Management

EMAIL FROM:
REF: PJ:LJ:13009
NAME: CORBETT JESSOP LAW

RE: FITZGERALD WITH STRATA TITLE MANAGEMENT PTY LIMITED
PROPERTY: B15/1-3 MCDONALD STREET, CRONULLA

MESSAGE:

Dear Sir,

We act for Greg and Elizabeth Fitzgerald and have been handed your Final Notice dated November 9, 2017 addressed to our clients and relating to allegedly overdue levies.

We are instructed that the arrears of levies referred to in that Notice are the subject of a dispute which was referred to mediation (as a preliminary step before a formal application by our clients to NCAT for adjudication of the dispute). We are further instructed that you have declined to attend the mediation that was fixed for December 13, 2017, without explanation to our clients.

Based on our instructions, the claim for reimbursement from our clients of the false alarm fees, he subject of the ADT Invoice dated June 13, 2017, is improperly founded. It is clear that the)wners Corporation installed the smoke alarm in a position which, based on expert opinion of lewsound/NFS, was totally unsuitable. Its location so close to our clients' bathroom introduced ie risk of activation of the smoke alarm due not to smoke but to steam. That the Owners 'orporation erred in installing the smoke alarm in that location is further evidenced by the fact at the alarm has now been isolated, removing it from back to base to a localised setting. We are

also instructed that smoke alarms have been inappropriately located in identical positions in other units in the complex, including in units that do not have exhaust fans in bathrooms.

If the Owners Corporation maintains it is entitled to reimbursement of false alarm fees it should be looking to the contractor who installed the smoke alarms in the incorrect location in the first instance.

We are instructed to demand that, within 7 days of the date of this letter, you confirm in writing that the claim for reimbursement from our client in accordance with your Notice of Overdue Levies dated November 9, 2017 is withdrawn. If that confirmation is not received then without further notice to you, our client will make an application to NCAT for appropriate orders in relation to your claim. In the meantime, should you commence the proceedings foreshadowed in your Final Notice, our clients will make an application to stay those proceedings and to transfer them to NCAT and will seek costs for any such application from you.

We trust that good sense will prevail and look forward to receiving your written confirmation of withdrawal of the claim for reimbursement.

Regards
Paul Jessop

paul@corbettjessoplaw.com.au

The Partners and Staff wish you a Merry Christmas and prosperous New Year.

Our office will be closed from 5.00pm on Wednesday, 20th December, 2017 and will reopen at 9.00am on Monday, 8th January, 2018.



LEAP Email Reference |F:1036001|M:13009| (Please do not delete)

From: Carey Beebe <cb@hpschd.nu>
To: paul@corbettjessoplaw.com.au
CC: fitzy@bigpond.net.au
Date: Dec 12, 2017 8:03:06 PM
Subject: PJ:LJ:13009

Dear Mr Jessop

Thank you for you message. I am sorry that the Fitzgeralds feel so aggrieved they need to consult you in this matter.

Please note the following:

1. Our fire detection system was originally installed in compliance with AS1670-1-1995, and our complex approved for occupancy by Sutherland Shire Council. The services are maintained to this standard and have been certified annually by our contractors for the past six years Newsound.

2. We have spent close to six figures this year on replacing the original Fire Indication Panel and Evacuation System. Every smoke and thermal detector throughout the complex was replaced in situ. No detectors were moved from the originally-certified installation. All detectors are now addressable, so for the first time, there is clear electronic indication of which detector was triggered in an event.

3. Newsound informs us that for access for the installation work in B15, they obtained the key from our cleaner with the permission of the Fitzgeralds. It is not clear where the assertion of the Fitzgeralds comes from that the detector location is unsuitable, as the location of detectors has not changed, and Newsound denies ever meeting the Fitzgeralds or discussing the work with them.

4. The smoke and thermal detectors of the originally-installed system did not sound: There was only a tiny red light on the detector to indicate it had gone into alarm state. If there was an event in any of the lowrise units for the first twenty years of our building's life--including steam from a shower--the fire brigade would be automatically summoned by the system.

5. Following two alarms this year, including the Fitzgerald's event, we had Newsound program the lowrise detectors. This is a capability of the new system which was not possible on the old. For the first time in our building's history, the smoke detectors in each lowrise unit now squeal on alarm, but do not call the fire brigade. However, the thermal detectors in each kitchen will immediately summon the brigade, as will the smoke detectors in each of the common property foyers if triggered.

It is up NSWFR to decide if their attendance is a billable event or not. In the instance of the B15 false alarm, they decided it is indeed billable. As far as they are concerned, the fire detection system did its job. The smoke detectors cannot distinguish between smoke, steam or dust.

The Fitzgeralds admit they did not have a functioning bathroom exhaust fan at the time of their event. We have a photograph showing the permanently wired power cord removed from the wall plate.

NSWFR is paid by ADT, our fire monitoring company. We are obliged to pay ADT, and occupants are obliged to reimburse us under the long-standing requirement of the then-current Special By-law 41 Fire safety, all in accord order.

The Fitzgeralds are the only occupants in our building history to refuse to reimburse this cost. I will add previous occupants affected and having paid this charge include an elderly owner in her 90s who has since died, and also a managing partner of a large city law firm.

I have spent considerable personal time on this issue. In late July, when I was overseas on my own business, I compiled and filed a waiver request and provided additional information on ADT's demand. ADT advised me that NSWFR typically take four months to review these, so this is now some weeks overdue. I've already prodded ADT twice, and I am now in contact directly with NSWFR and was hoping to have response from them before replying to you. I find that unsatisfactory service from NSWFR for a government mentality, and have been considering complaining to our local State member.

On July 28, I urged the Fitzgeralds to avoid penalties and interest on their strata account by paying the outstanding amount pending the (hopefully favorable) outcome of NSWFR's investigation. They choose to this advice.

In light of all the above, we decided to refuse mediation.

It is up to NSWFR to decide if they honor the waiver request or not. I am optimistic they might

considering the investment we have made in upgrading our system. If that is so, the Fitzgeralds will only be liable for the ADT processing fee, and the committee may be agreeable to instruct the Strata Manager to reverse the other charges on the Fitzgerald's account.

I trust you can appreciate from the above that our fire system is compliant and did its job correctly, and the Fitzgeralds are indeed liable for the charge: This information will enable you to better advize your clients.

On another matter, we note that on October 15, one of our internal garage shutters was impacted by a red Mazda hatch CDE08H owned by the Fitzgeralds. They kindly immediately informed our cleaner. Our insurance company will likely be in contact with them to recover the repair cost of $2288.

Sincerely

Carey Beebe

==========
C Ô T E d'A Z U R
==========
Committee of the Owners Corporation
Strata Plan 50785
1 McDonald Street, Cronulla NSW 2230
Telephone (02) 9544 0203
Facsimile (02) 9544 3704
www.cote-cronulla.net

From: Lucy Fallon
Sent: Friday, 15 December 2017 3:59 PM
To: 'cb@hpschd.nu'
CC: 'paul@corbettjessoplaw.com.au'
Subject: 13009 Fitzgerald with Strata Title Management PL - From Paul Jessop
Attachments: Carey Beebe response 12-12-17 with Fitzgerald responses.docx.pdf

Lawyer Partners: Paul Jessop B. Com. LL.B.| Michael Corbett B. Com. LL.B.
|
Lawyer Associates: Jenna Lincoln LL.B, GDLP. | Glenda McNee B.Com. LL.B.|
Lawyer: Henry Rodgers B. Com. LL.B.

Address: Level 2, 34 Banksia Road, Caringbah NSW 2229 |
Post: P.O. Box 543, Caringbah NSW 1495

t: 02 9525 9888 | 02 9525 7300 | f: 9540 1321 |
e: reception@corbettjessoplaw.com.au | **w:** www.corbettjessoplaw.com.au

corbett jessop law

EMAIL

DATE: 15 December 2017

EMAIL TO: cb@hpschd.nu
REF: Ms C Beebe
NAME: Committee of the Owners Corporation
Strata Plan 50785

EMAIL FROM:
REF: PJ:LF:13009
NAME: CORBETT JESSOP LAW

RE: FITZGERALD WITH STRATA TITLE MANAGEMENT PTY LIMITED
PROPERTY: COTE D'AZUR, B15/1-3 MCDONALD STREET, CRONULLA

MESSAGE:

Dear Carey,

Please find ***attached*** our clients' response to your email of 12 December 2017. The points they take issue with are highlighted in yellow and the underlying red text is our clients' response to the highlighted sections.

We are instructed that the foreshadowed application to NCAT will be made unless, within three (3) working days of the date of this email, the confirmation sought in the last of the red text paragraphs is formally provided by way of a written response to this email.

We look forward to hearing from you.

Regards
CORBETT JESSOP LAW
PAUL JESSOP

Dear Mr Jessop

Thank you for you message. I am sorry that the Fitzgeralds feel so aggrieved they need to consult you in this matter.

Please note the following:
1. Our fire detection system was originally installed in compliance with AS1670-1-1995, and our complex approved for occupancy by Sutherland Shire Council. The services are maintained to this standard and have been certified annually by our contractors for the past six years Newsound.

2. We have spent close to six figures this year on replacing the original Fire Indication Panel and Evacuation System. Every smoke and thermal detector throughout the complex was replaced in situ. No detectors were moved from the originally-certified installation. All detectors are now addressable, so for the first time, there is clear electronic indication of which detector was triggered in an event.

3. Newsound informs us that for access for the installation work in B15, they obtained the key from our cleaner with the permission of the Fitzgeralds. It is not clear where the assertion of the Fitzgeralds comes from that the detector location is unsuitable, as the location of detectors has not changed, and Newsound denies ever meeting the Fitzgeralds or discussing the work with them.

Newsound obtained the key from the cleaner, with our permission on the 10th May in order to reattach a sensor in the living area which had become loose when the old fire bell was removed from the stairwell. On this occasion we were not in attendance and we asked the Cote D'Azur cleaner, Herman, to let them in while the work was done. This was prior to the false alarm callout which occurred on the 17th May.

On 7th June the fire contractor, Ryan from Newsound attended our unit to check the operation of the sensors while we were there. The contractor explained that he modified the sensor in the bedroom from a back to base alarm to a ocalised alarm. He informed us that in his view the sensor in the bedroom, which had caused the false alarm callout, hould never have been installed so close to the bathroom in the first place.

n relation to the assertion that Newsound denies ever meeting or discussing the work with us, on 14th December ve met with Ryan, the Newsound contractor, in our unit. He confirmed that this was untrue. He did in fact emember meeting us on the 7th June when we were in attendance as he worked on the fire alarm in our unit. He lso recalled the conversation relating to the unsuitable placement of the smoke detector in the bedroom. He stated iat in order to reduce the false alarm callouts, the alarms in the bedrooms of all the low-rise buildings were onverted from back to base to localised alarms. While it is true that the location of the detectors did not change, e new detectors were placed in the same position as the old in order to avoid the need to repair the hole in the iling and make new holes for the relocation of the sensors.

The smoke and thermal detectors of the originally-installed system did not sound: There was only a tiny red ıt on the detector to indicate it had gone into alarm state. If there was an event in any of the low-rise units for first twenty years of our building's life--including steam from a shower--the fire brigade would be omatically summoned by the system.

ollowing two alarms this year, including the Fitzgerald's event, we had Newsound program the low-rise ectors. This is a capability of the new system which was not possible on the old. For the first time in our ding's history, the smoke detectors in each lowrise unit now squeal on alarm, but do not call the fire ade. However, the thermal detectors in each kitchen will immediately summon the brigade, as will the ke detectors in each of the common property foyers if triggered.

is up NSWFR to decide if their attendance is a billable event or not. In the instance of the B15 false alarm, decided it is indeed billable. As far as they are concerned, the fire detection system did its job. The smoke ctors cannot distinguish between smoke, steam or dust.

7. The Fitzgeralds admit they did not have a functioning bathroom exhaust fan at the time of their event. We have a photograph showing the permanently wired power cord removed from the wall plate.

There was no exhaust fan in the unit when we purchased it, and we were never required to have one installed. Due to excessive steam in the bathroom we applied for permission to have one installed which was subsequently approved some months after the application was made. Prior to an overseas trip the exhaust fan stopped working and had to be replaced. Due to lack of time we decided to wait until we returned. We did not think this was an issue because:-

- In the first six months of our residence in apartment 15B we had no exhaust fan / permission was not given until November 2015. Up until this time we were showering with the bathroom door and bedroom balcony door open in order to reduce steam in the bathroom. The alarm in the bedroom did not go off once during that time
- We were not aware that the smoke detectors could be set off by steam nor did the by-laws at that time mention anything but smoke.

8. NSWFR is paid by ADT, our fire monitoring company. We are obliged to pay ADT, and occupants are obliged reimburse us under the long-standing requirement of the then-current Special By-law 41 Fire safety, all in that order.

9. The Fitzgeralds are the only occupants in our building history to refuse to reimburse this cost. I will add that previous occupants affected and having paid this charge include an elderly owner in her 90s who has since died, and also a managing partner of a large city law firm.

find this assertion odd because previously Mr Beebe has said "*All detectors are now addressable, so for the irst time , there is clear electronic indication of which detector was triggered in an event*" Please see his Point '. This work was not carried out until 2017 when we were living in the unit.

0. I have spent considerable personal time on this issue. In late July, when I was overseas on my own usiness, I compiled and filed a waiver request and provided additional information on ADT's demand. ADT formed me that NSWFR typically take four months to review these, so this is now some weeks overdue. I've ready prodded ADT twice, and I am now in contact directly with NSWFR and was hoping to have response om them before replying to you. I find that unsatisfactory service from NSWFR for a government strumentality, and have been considering complaining to our local State member.

. On July 28, I urged the Fitzgeralds to avoid penalties and interest on their strata account by paying the tstanding amount pending the (hopefully favorable) outcome of NSWFR's investigation. They choose to ore this advice.

In light of all the above, we decided to refuse mediation.

It is up to NSWFR to decide if they honor the waiver request or not. I am optimistic they might, considering investment we have made in upgrading our system. If that is so, the Fitzgeralds will only be liable for the processing fee, and the committee may be agreeable to instruct the Strata Manager to reverse the other ges on the Fitzgerald's account.

ire we agree to not take this matter to NCAT we would need to know that the committee would definitely uct the Strata Manager to reverse the other charges on our account, and that if NSWFR decide not to ir the waiver request we would not be liable for the callout fee.

t you can appreciate from the above that our fire system is compliant and did its job correctly, and the eralds are indeed liable for the charge: This information will enable you to better advize your clients.

nother matter, we note that on October 15, one of our internal garage shutters was impacted by a red a hatch CDE08H owned by the Fitzgeralds. They kindly immediately informed our cleaner. Our insurance any will likely be in contact with them to recover the repair cost of $2288.

Sincerely

Carey Beebe

==========
C Ô T E d'A Z U R
==========
Committee of the Owners Corporation
Strata Plan 50785
1 McDonald Street, Cronulla NSW 2230
Telephone (02) 9544 0203
Facsimile (02) 9544 3704
www.cote-cronulla.net

Attachment Page 36

6 C

STM STRATA TITLE MANAGEMENT
your strata care company

Taren Point
ABN: 43 119 665 762

PO Box 2727
Taren Point NSW 2229

t (02) 9540 4199
f (02) 9540 3943
e sydney@stratatitle.com.au

www.stratatitle.com.au

Strata Schemes Management Act 2015

Notice of Levy Contributions

TAX INVOICE
ABN 44 494 936 251

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Notice Date 25 July 2017
Lot Number 22 Unit Number B15
Account Number 22
Entitlements 49 / 0

The Owners

Strata Plan No. 50785

1 McDonald Street Cronulla NSW 2230

Account	Period	Due Date	Amount	Discount	If paid by	Net Amount
Admin Fund	01/09/17 to 30/11/17	01/09/17	898.33	89.83	01/09/17	808.50
Capital Works Fund	01/03/17 to 31/08/17	01/09/17	89.83	8.98	01/09/17	80.85
Capital Works Fund	01/09/17 to 30/11/17	01/09/17	583.92	58.39	01/09/17	525.53
Previously Invoiced, due as per previous notice			1776.00			1776.00

rec'd on 15/8 PD 26/8/17

1741 - 56

levies include GST)
GST component on gross of $1,572.08 is $142.92 or on net of $1,414.88 is $128.63
Please pay as directed on the Payment Slip
Interest at the rate of 10% per annum is payable on overdue Fees.

Amount Payable $3,190.88

Please disregard your levy notice dated 14th July 2017. We apologise for the error and any inconvenience this has caused.
Thank you.

Tel: 1300 552 311
Ref: 1088 4735 3
Telephone: Call this number to pay by credit card using a land line or mobile phone. International +613 8648 0158

www.stratamax.com.au
Ref: 1088 4735 3
Internet: Visit this website to make a secure credit card payment over the internet.

Tel: 1300 552 311
Ref: 1088 4735 3
Direct Debit: Make auto payments directly from your nominated bank account or credit card. Go to www.stratapay.com/ddr to register.

Using StrataPay payment options you are taken to have read and agreed to the User Terms & Conditions available at www.stratapay.com or by phoning 1300 135 610. Additional charges may apply.

BPAY Biller Code: 96503
Ref: 303037196 1000 0000 223
BPay: Contact your participating financial institution to make a payment from your cheque or savings account.

In Person: Pay by cash, cheque or EFTPOS at any Post Office in Australia. Payments made at Australia Post will incur a $2.75 DEFT processing fee.

Mail: Send this payment with your cheque to:
DEFT Payment Systems, GPO Box 4690
Sydney NSW 2001

Make cheques payable to:
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

STRATAPAY A Smarter Way...
VISA

Account Reference
22/B15 50785/1000000022
Reference Name
FITZGERALD G J & E I

DEFT

DEFT Reference Number
303037196 1000 0000 223

StrataPay Reference No.
1088 4735 3

Due Date
01 Sep 17

Amount
$3,190.88

Managed by
Strata Title Management
Account
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

*442 303037196 10000000223

Attachment Page 37

STRATA TITLE MANAGEMENT
your strata care company

Taren Point
ABN: 43 119 665 762
PO Box 2727
Taren Point NSW 2229
t (02) 9540 4199
f (02) 9540 3943
e sydney@stratatitle.com.au
www.stratatitle.com.au

Strata Schemes Management Act 2015

NOTICE OF OVERDUE LEVIES

First Notice

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Date			
6 October 2017			
A/c No	22	Lot No	22
Unit	B15	Page	1

Owners

Strata Plan No. 50785

Unpaid Levies

Account	Period	Due Date	Amount	Discount	If paid by	Net Amount
Capital Works Fund	01/09/17 to 30/11/17	01/09/17	583.92	0.00		67.37
Admin Fund	01/09/17 to 30/11/17	01/09/17	898.33	0.00		89.83
Other			1,776.00	0.00		1,776.00
Interest			0.26	0.00		0.26
Arrears Notice Fee			61.50	0.00		61.50

Account Balances

Admin Fund	89.83
Capital Works Fund	67.37
Overdue Interest	0.26
Other	1,776.00
Arrears Notice Fee	61.50

Gross Amount Due: **$1,994.96** | Discount: **Nil** | Net Amount Due: **$1,994.96**

Interest at the rate of 10% per annum is payable on overdue Fees.

Teller stamp and initials

Amount Paid
$

Date Paid
/ /

Tel: 1300 552 311
Ref: 1088 4735 3
Telephone: Call this number to pay by credit card using a land line or mobile phone. International +613 8648 0158

www.stratamax.com.au
Ref: 1088 4735 3
Internet: Visit this website to make a secure credit card payment over the internet.

Tel: 1300 552 311
Ref: 1088 4735 3
Direct Debit: Make auto payments directly from your nominated bank account or credit card. Go to www.stratapay.com/ddr to register.

By using StrataPay payment options you are taken to have read and agreed to the User Terms & Conditions available at www.stratapay.com or by phoning 1300 135 610. Additional charges may apply.

BPAY Biller Code: 96503
Ref: 303037196 1000 0000 223
BPay: Contact your participating financial institution to make a payment from your cheque or savings account.

POST billpay **In Person:** Pay by cash, cheque or EFTPOS at any Post Office in Australia. Payments made at Australia Post will incur a $2.75 DEFT processing fee.

Mail: Send this payment with your cheque to:
DEFT Payment Systems, GPO Box 4690
Sydney NSW 2001

Make cheques payable to:
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

STRATAPAY A Smarter Way...
VISA

Account Reference
22/B15 50785/1000000022
Reference Name
FITZGERALD G J & E I

DEFT

DEFT Reference Number
303037196 1000 0000 223

StrataPay Reference No.
1088 4735 3

Due Date
06 Oct 17

Amount
$1,994.96

Managed by
Strata Title Management
Account
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

*442 303037196 10000000223

Attachment Page 38

STM
STRATA TITLE MANAGEMENT
your strata care company

Taren Point
ABN: 43 119 665 762

PO Box 2737
Taren Point NSW 2229

t (02) 9540 4199
f (02) 9540 3943
e sydney@stratatitle.com.au

www.stratatitle.com.au

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Reminder Notice

20 October 2017

Strata Plan No. 50785
1 McDonald Street
Cronulla NSW 2230

Lot Number 22
Unit Number B15
Entitlements 49

Our records indicate that your maintenance levies are in arrears. Your scheme relies on the receipt of maintenance levies from each owner to ensure a continuous cash-flow to meet day to day expenses. Under Legislation relating to your scheme overdue levies incur 10% interest per annum. Your voting rights are also restricted at any general meeting whilst your levies are in arrears.

We request receipt of your payment within fourteen (14) days to avoid further interest and arrears notice fees. There has been an arrears notice fee of $61.50 added to your lot levy account.

If your are having financial difficulties please do not hesitate to contact our office to discuss the matter further.

Account History

Date	Description	Admin	Sink	Other	Total	Balance
	Brought forward					143.73
29/05/17	Discount	-89.83	-53.90		-143.73	0.00
29/06/17	False Alarm Fee			1600.00	1600.00	1600.00
29/06/17	Processing Fee			176.00	176.00	1776.00
14/07/17	01/09/17 To 30/11/17	898.33	539.00		1437.33	3213.33
24/07/17	01/09/17 To 30/11/17	-898.33			-898.33	2315.00
24/07/17	01/03/17 To 31/08/17	898.33			898.33	3213.33
24/07/17	01/09/17 To 30/11/17		89.83		89.83	3303.16
28/08/17	Receipt		44.92		44.92	3348.08
06/10/17	Arrears Notice Fee	-808.50	-606.38		-1414.88	1933.20
20/10/17	Interest to 20/10/17			61.50	61.50	1994.70
20/10/17	Arrears Notice Fee			0.86	0.86	1995.56
				61.50	61.50	2057.06

Admin Fund	89.83	Other	1,637.50
Capital Works Fund	67.37	Arrears Notice Fee	61.50
Overdue Interest	0.86		

Tel: 1300 552 311
Ref: 1088 4735 3

Telephone: Call this number to pay by credit card using a land line or mobile phone. International +613 8648 0158

www.stratamax.com.au
Ref: 1088 4735 3

Internet: Visit this website to make a secure credit card payment over the internet.

Tel: 1300 552 311
Ref: 1088 4735 3

Direct Debit: Make auto payments directly from your nominated bank account or credit card. Go to www.stratapay.com/ddr to register.

By using StrataPay payments options you are taken to have read and agreed to the User Terms & Conditions available at www.stratapay.com or by phoning 1300 135 610. Additional charges may apply.

BPAY Biller Code: 96503
Ref: 303037196 1000 0000 223

BPay: Contact your participating financial institution to make a payment from your cheque or savings account.

In Person: Pay by cash, cheque or EFTPOS at any Post Office in Australia. Payments made at Australia Post will incur a $2.75 DEFT processing fee.

Mail: Send this payment with your cheque to:
DEFT Payment Systems, GPO Box 4690 Sydney NSW 2001

Make cheques payable to:
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

STRATAPAY A Smarter Way...

VISA

Account Reference
22/B15 50785/1000000022
Reference Name
FITZGERALD G J & E I

DEFT

DEFT Reference Number
303037196 1000 0000 223

StrataPay Reference No:
1088 4735 3

Due Date
20 Oct 17

Amount
$2,057.06

Managed by
Strata Title Management
Account
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

Attachment Page 39

STM | STRATA TITLE MANAGEMENT
your strata care company

Taren Point
ABN: 43 119 665 762

PO Box 2727
Taren Point NSW 2229

t: (02) 9540 4199
f: (02) 9540 3943
e: sydney@stratatitle.com.au

www.stratatitle.com.au

Strata Schemes Management Act 2015

Notice of Levy Contributions

TAX INVOICE
ABN 44 494 936 251

Gregory Fitzgerald &
Elizabeth Fitzgerald
Cote d'Azur
B15/1-3 McDonald Street
CRONULLA NSW 2230

Notice Date	25 October 2017		
Lot Number	22	Unit Number	B15
Account Number	22		
Entitlements	49 / 0		

The Owners

Strata Plan No. 50785

1 McDonald Street Cronulla NSW 2230

Account	Period	Due Date	Amount	Discount	If paid by	Net Amount
Admin Fund	01/12/17 to 28/02/18	01/12/17	898.33	89.83	**01/12/17**	808.50
Capital Works Fund	01/12/17 to 28/02/18	01/12/17	583.92	58.39	**01/12/17**	525.53
Previously Invoiced, due as per previous notice			2056.20			2056.20

DD 29/11/17
1334.03

evies include GST)
ST component on gross of $1,482.25 is $134.75 or on net of $1,334.03 is $121.28
ease pay as directed on the Payment Slip
terest at the rate of 10% per annum is payable on overdue Fees.

Amount Payable $3,390.23

Tel: 1300 552 311
Ref: 1088 4735 3
Telephone: Call this number to pay by credit card using a land line or mobile phone. International +613 8648 0158

www.stratamax.com.au
Ref: 1088 4735 3
Internet: Visit this website to make a secure credit card payment over the internet.

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Ref: 1088 4735 3
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PAY Biller Code: 96503
Ref: 303037196 1000 0000 223
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Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251

STRATAPAY A Smarter Way...
VISA

Account Reference
22/B15 50785/1000000022
Reference Name
FITZGERALD G J & E I

DEFT PAYMENT SYSTEMS
DEFT Reference Number
303037196 1000 0000 223

StrataPay Reference No.
1088 4735 3

Due Date
01 Dec 17

Amount
$3,390.23

Managed by
Strata Title Management
Account
Vesture Mgmt P/L ITF SP 50785
ABN 44 494 936 251