



USEFUL LINKS

Our colleagues at www.lookupstrata.com.au have sent us some useful links.

The following are from some of their most viewed pages...

- www.lookupstrata.com.au/sa-neighbour-smoking-on-balcony/
- www.lookupstrata.com.au/category/parking/parkingsafaq/
- www.lookupstrata.com.au/factsheet-maintenance-common-property/
- <https://www.lookupstrata.com.au/category/noise/noisesafaq/>

Always be kind.
If you see someone falling behind, walk beside them.
If someone is being ignored, find a way to include them.
If someone has been knocked down, lift them up.
Always remind people of their worth.
Be who you needed when you were going through hard times.
Just one small act of kindness could mean the world to someone.

THE POWER OF KINDNESS

This year has been one of considerable turbulence both in Australia, the world and especially in America, the Middle East and Europe.

A time to reflect on the need to be kind to one another, to suspend judgement and find what we have in common with one another rather than what separates us.

Dr. Ferrucci, in his book *The Power of Kindness*, reveals that the kindest people are the most likely to thrive, to enable others to thrive, and to slowly but steadily turn our world away from violence, self-centeredness, and narcissism- and toward love. Writing with a rare combination of sensitivity and intellectual depth, Dr. Ferrucci shows that, ultimately, kindness is not a luxury in our world but rather a necessity for us all.

Awful things and people won't go away because we mock them, better to aim to deal with others with a tone that is generous, curious and civil. If we understand them, see where they are coming from, and treat their advocates and supporters as fellow human beings, we have much more chance of dealing with them successfully and therefore of making the world a better place.

We wish you, your family and friends much joy in 2019

Cheers

Gordon Russell

ps: Do you have any friends who need to read our newsletter? Ring and we will post one out or they can download it from our website



CHRISTMAS ARRANGEMENTS

Our best wishes for Christmas & the New Year, to you and those close to you.

This Christmas we are closing our office from 5pm Thursday December 20th and opening on Tuesday January 8th from 9am.

For accounts due Jan 1st or before, you have until Jan 11th to pay before penalties apply.

If you have an emergency over the break and you need assistance just ring 8333-5200 for up to date details on contractors and emergency services.



FAILURE TO MAINTAIN - GLENELG ROOF BLOWS OFF

A late November storm saw significant damage to buildings and infrastructure in Adelaide. Amongst the most vulnerable buildings were older groups of units near the beach.

One of the groups affected can be found at 33 North Esplanade, Glenelg North. The Advertiser has covered the plight of this group over the following week after the occurrence of the storm. The Advertiser journalist, David Penberthy wrote the following,

"It was revealed in building reports as a godforsaken joint with a litany of major problems however the strata managers did nothing about it. So why isn't someone doing something about landlords and strata managers ? "

We strata managers are not in a position to authorise works without the go ahead from the group's Management Committee or a full meeting of owners. This is always a requirement before works go ahead unless there is an emergency.

A significant trend that bodes badly for older groups is owner investors not turning up to Annual General Meetings. Often we do not even get a proxy or apology. This means an adjourned meeting with fewer owners attending. We are also aware that many investors do not visit their investment unit from year to year.

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Devastated couple claim they had complained to strata company over cracks

Threat to sue over lost roof

ELIZABETH HENSON

A COUPLE who lost all their belongings when strong winds ripped the roof and ceiling off their Glenelg North unit plans to sue the strata company responsible for the building.

The plan comes as a document, seen by *The Advertiser*, reveals the building's strata management company knew in October the roof was in "poor condition" and had "a couple of leaks which are not cheap to attend".

Surinder and Lovely Kumar say they had complained about a crack in the ceiling of their North Esplanade unit. On Wednesday night, it was one of three units in their building to lose its roof and ceiling in severe weather.

Heavy rain then pelted the exposed unit and destroyed the couple's belongings, including a TV, couch and bed.

The strong winds and rain left more than 100,000 homes and businesses across SA without power. SA Power Networks has been working to restore electricity since then, with the final properties expected to regain power last night.

Mr Kumar, 42, said the couple planned to seek compensation through the South Australian Civil and Administrative Tribunal, alleging the strata managers failed to carry out repairs to the property.

The building's strata management company, Strata Management SA, would not comment on the allegations but it is understood it denies it received any complaints about the roof from the Kumars.

The couple's property manager Ray White says it forwarded one roof complaint from the couple to Strata Management SA in July.

Mr Kumar said he noticed a crack in the ceiling when they moved in about a year ago.

"We'd tell them there is a crack and when the wind blows it goes up and down," he said.

"They say 'we'll send someone' and then they look at our property and nobody fixed it. They need to maintain the property. It's their responsibility."

Mr Kumar said the couple would seek about \$20,000 compensation for their damaged belongings.

"I want them to compensate me for all my belongings and putting our lives in danger," he said. "The ceiling went straight into the bed. My wife is pregnant. Anything could have happened."

Meanwhile, an agenda produced by Strata Management SA for the building's annual general meeting in October showed the condition of the roof had been discussed.

"The roof has been noted as being in poor condition and the corporation has had a couple of leaks which are not cheap to attend given the cost of access equipment," it read.

RUINED: Surinder Kumar in his unit after the roof blew off. Picture: AAP Image/RUSSELL MILLARD



Surinder Kumar (resident) Picture courtesy The Advertiser Tait Schmaal

Of course if your strata manager is aware of significant/urgent building problems then they must immediately advise the committee and/or all owners and seek a prompt decision to undertake remedial works such as securing loose roofing or dangerous balconies. If owners fail to give the manager authority to act then the manager should review the risks they run in continuing to be the strata manager. We at Unitcare Services have ceased the management of groups that refuse to carry out urgent and important works.

More on page 3

emergency numbers

Plumbing , Gas, Roof Leaks	1300 700 200
Electrical	1300 130 229
Building repairs	0412 034 173
Police to attend - noise/robbery etc	131 444
State Emergency Service storm/flood	132 500

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after hours emergencies - phone 8333 5200 for up to date information.



LATEST FACT SHEETS & PODCASTS

With the assistance of Paul Willis of Media Engagement Services we are regularly producing podcasts and associated Fact Sheets on the many issues facing SA's unit owners.

Some of the subjects covered include...

Title Types Explained: In this podcast we look at the two titling systems for multiple occupancy/ownership in South Australia. We illustrate with some examples of Strata Titles, Community Titles including Strata divisions.

Maintenance: In this vodcast we look at common property maintenance. We illustrate with some examples and go on to provide a printable checklist.

Animals in Units: In this podcast and fact sheet we look at pets in units or apartments being a cause of some conflict. Our fact sheet provides some help in this regard along with a pet application form.

Go to www.unitcare.com.au and click on the Fact Sheet icon to view all.

Paul Willis of Media Engagement Services can be contacted through www.mediaengagementservices.com.au



Fact Sheets icon and list of topics: Title Types Explained, Maintenance, Animals in Units.

DANGERS OF HIGH WATER PRESSURE

Precise Plumbing have issued a warning to residents and owners. This covers problems encountered with high water pressure.

Flexible braided hoses accounted for more than one in five water damage claims lodged by Australian households in 2016 according to general insurer Insurance Australia Group.

Research from IAG, drawing on 15,000 "escape of water" claims over 12 months, suggests that they can become a "ticking time bomb" under the sink.

For the full story go to www.unitcare.com.au and click on the Fact Sheet icon

WARNING: SA WATER REQUIRES THE MAXIMUM PRESSURE WITHIN BUILDINGS TO BE NO GREATER THAN 500kPa AT ANY OUTLET. Includes image of a pressure gauge and text about flexible braided hoses.

SUBMISSION TO ATTORNEY GENERAL

In our Spring 2018 edition we covered the Parliamentary Report into Strata & Community Titles. The report recommended improved consumer protections along with a less formal dispute resolution mechanism through the SA Civil & Administrative Tribunal (SACAT).

Whilst the new Attorney General has accepted and will implement many of the findings she rejected reforms around inquorate meetings. Our reply appears below and this and copies of both the Report and the AGs response can be found at www.unitcare.com.au/aop.html

A readable version of our submission (below) can be found at www.unitcare.com.au/aop.html

Recommendation 8: the Committee recommends that the Attorney General amend the legislation to allow for inquorate meeting subject to ratification at a reconvened meeting. Government response: The Government does not accept this recommendation.

We are confused as to why your Government does not accept the Committee's recommendation.

The following are our observations over 30 years:

- the vast majority of AGMs are held after 5pm to meet the needs of owners and the requirements of the legislation.
achieving quorums will only get worse with the increase in investors both local and interstate buying into units and apartments.
owners very rarely (count on 2 hands) take advantage of Telephone attendance and more recently our Skype facility.
owners often fail to lodge a proxy despite postal, email reminders and penalties applied by their body corporates.
the owners who turn up to the 1st meeting have honoured their commitment to good governance of their body corporate but are punished through having to come back at another time that may not be convenient.
attendance at the reconvened meeting is very poor, often no one comes to the meeting.
additional after hours staff time - time away from family and friends

Advantages of amending Legislation:

- regularises current body corporate manager practices.
rewards those owners who turn up to the 1st meeting so encouraging them to turn up at future meetings.
All owners get to view the draft decisions, with an opportunity to challenge them, rather than just those attending as would be the case with a quorate meeting.

Safeguards:

- inquorate draft minutes to all owners by priority post and/or email within 2 working days of the meeting.
proxy form with draft minutes providing opportunity to agree or disagree with some or all decisions.
minutes to clearly state on page 1 that all decisions are subject to ratification at the reconvened meeting.
advise all owners that they can attend the reconvened meeting.
all proxies lodged with 1st meeting apply to reconvened meeting. (may already apply)

We humbly ask that you take into account our reasoning and reconsider your Government's position on this matter.



FAILURE TO MAINTAIN (CONTINUED)

We recommend that investors in their own interests involve themselves in their investment unit...

- show up and participate at meetings
visit the property at least once per year - before AGM
pay attention to your rental manager's reports and recommendations.



Podcast and Fact Sheet: We have a podcast on Common Property Maintenance. It is accompanied by a Fact Sheet and Property Visit Checklist. Go to www.unitcare.com.au and click on the Fact Sheet icon.

Here are a couple of examples of strata corporations that were unwilling to tackle some maintenance issues that posed a risk of serious injury to residents and visitors.

1: Rusting stairs on a large group by the beach. The stairs connect two large unit buildings on the one property. Holes in stairs risked serious injury to lower limbs. There were at the time many children living

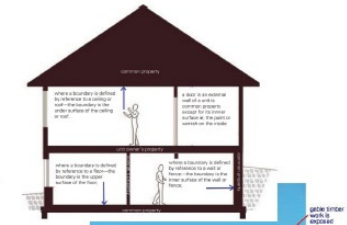


at the group. The management committee procrastinated over quotes we supplied. In the end we terminated our contract. This led the group to appoint another manager. We understand that these urgent works have been undertaken.

2: Brick arch ready to fall. This occurred during the last substantial drought. The common grounds about the unit on the end of the group were not being watered. This turns out to be an unwise move for the best of reasons. The shrinking reactive soil resulted in the brick arch over the garage opening up.



In this Fact Sheet we provide a Maintenance Checklist to help unit owners and their officers identify areas of common property that require attention.



The Strata Titles Act spells out the obligation to care for the common property. Section 25. The functions of the strata corporation are as follows: (a) to administer and maintain the common property for the benefit of the unit holders and, to such extent as may be appropriate, other members of the strata community: and

PROPERTY OBSERVATIONS

Body CorporateINC

Notes: Use the comments line to record specific observations eg: oil spill in the visitor carpark. Tick the boxes as appropriate. Mark the 'Good.....Bad' line as you see fit. Strike out items that do not apply.

Form with columns for ITEM and OBSERVATIONS. Items include Letterboxes, Fencing, Driveways, Footpaths, Common Lighting, Carparking, Carport Structures, Roofs, Gutters & Downpipes, Stormwater Drainage.

Arches rely on the keystone at the top of the arch. If this comes loose the arch falls.

Our site visit photographs highlighted the problem. We organised emergency props. The owners however argued that the unit owner was responsible for the repairs as she had failed to water the common grounds and it was her unit. We explained that the brickwork and land were all the corporation's common property and the group had to undertake the works under Section 25 of the Act. Owners still refused to accept that the Corporation was responsible. We terminated the contract.

Whilst we are committed to assisting our clients, we will not risk the reputation of our staff and business when client groups refuse or procrastinate over urgent and important works that potentially put lives in danger