



SAYING SORRY - A WAY FORWARD

On February 13th I was one of thousands of South Australians who gathered in Elder Park. We joined our indigenous brothers and sisters to hear the new Prime Minister say sorry....

"For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.
To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.
We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

A future where this Parliament resolves that the injustices of the past must never, never happen again".

This was a deeply moving experience and an important moment in our history as a nation. I found myself proud to be an Australian.

The full text of the PM's speech is available on our web site links page.

BEST SORT OF FRIEND IS AN HONEST ONE

The following article is by Ruth Ostrow writing in the Australian recently. We believe it is worthy of consideration given the close proximity of unit living.....

It happens often. Something gets you down. You ring your friends for support. If you're female you probably tell the story over the phone or meet for a coffee. Men tend to meet their mates for a drink.

Greeted by a warm, supportive face. A buddy who sees the world as you see it, you begin the diatribe that generally falls into two main categories:

He/she has done me wrong! — an extended gripe about a partner who isn't being or doing the things they are supposed to. Or maybe — "No one understands me", a generalised whinge about bosses, kids, colleagues or staff who aren't supportive, don't get what you're trying to achieve, are putting up obstacles or being unhelpful.

The response friends give is called "a buy-in", where your version of events is accepted unequivocally. Friends will listen to your side and click their tongues. They will completely buy your story and collude with you. "Absolutely, your husband should have picked up the kids given that you are so tired! You do everything!" Or: That's terrible, your boss didn't give you more money, you're the brightest spark in the company!"

Another term for this is a Pity Party: a party of pitying people who are only too quick to agree with your story and provide pity in spades. "Poor you. If I were you I'd kick him out!" Or: "Poor you, you should never have been treated like that. It's so unfair."

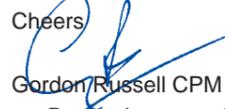
While Pity Parties seem like the most wonderful gift, they are in fact our worst enemies. Often our version of events is wrong. We are being oversensitive, we have misunderstood something or put the wrong slant on things.

By enrolling supporters we become self-righteous, which can make matters worse as we go in with guns blazing and create the very thing we have suspected or feared. It's a self-fulfilling prophesy.

Deborah Tannen, the brilliant US linguist, talks in her masterwork, You Just Don't Understand, about women needing trouble-talk to bond them. Women seek intimacy. They feel it ruins the intimacy to give solutions instead of pity. Men, too, can feel very sorry for each other over a few beers.

But the best sort of friend is an honest one. We should seek not to collude or be colluded with on versions of events, rather guided towards objectivity. It's not as satisfying as having someone play violin as we weep, but the results are empowering and worth the sacrifice.

Cheers


Gordon Russell CPM

ps: Do you have any friends who need to read our newsletter? Ring and we will post one out ☐

viewpoint



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EMERGENCY NUMBERS	Service	Number
	Plumbing , Gas, Roof Leaks	8356 2750
	Electrical	8244 0733
	Breakins, & Glazing	0437 818 449
	Police to attend - noise/robbery etc	131 444
	State Emergency Services	132 500

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COURT ORDERS MANAGER TO APOLOGISE

You may recall that we covered a matter before the Magistrates Court in our Spring 2007 edition. In February this year the Court ruled that the strata manager and his firm must apologise to our client for their breach of the Strata Titles Act.

To summarise... at an AGM in 2006 owners in this prominent Glenelg multi storey group of units considered allowing unit owners on each floor to construct lockers on the common property about the lifts. Their manager advised the chair and owners 'that only a simple majority was required'.

This motion clearly breaches Section 26 of the Strata Titles Act in permitting common property to be alienated for the benefit of individual unit owners without the required unanimous resolution (2/3rds of owners agree with no dissent) or regard to local fire and planning regulations.

Section 26(4) The strata corporation may, if authorized to do so by unanimous resolution of the corporation, grant to a unit holder an exclusive right to occupy part of the common property for a specified period.

Some owners have already undertaken works. This is a breach of Article 2 of the Corporation's Articles as follows...

The registered proprietor of a unit and every occupier thereof shall not: Use the common property or permit the same to be used in such a manner as unreasonable to interfere with the use and enjoyment thereof of other members of the corporation or occupiers of units or their families or visitors.

The Court found that the manager and Strata Corporation had breached the law. The manager continued to dispute with the magistrate why he should apologise. The Corporation admitted its mistake having relied on the manager's faulty advice.

At the time of going to press our client is still waiting for her apology and her request for a change of manager and reimbursement for

her costs.

This matter has taken 18 months to resolve with 9 months before the Court. The manager and his general manager ignored our client's written complaints and a formal breach notice from our office.

During the case it came to light that both residential and commercial owners have occupied common property for their exclusive use without proper approval or lease and without any rent to the Corporation.

We strongly recommended to the group that they identify all common property occupied by owners for exclusive use with a view to:

Issuing draft leases for each exclusive use for all owners for consideration at a general meeting. The leases to:

- ✓ show the location on the strata plan of the areas for exclusive occupation
- ✓ deal with rent payable,
- ✓ address maintenance by respective owners,
- ✓ ensure public liability as owner cost,
- ✓ address fire risk & building regulations,
- ✓ detail transferability on sale,
- ✓ deal with termination & resumption arrangements

We believe that future purchasers should be very careful buying into this group until the Strata Corporation has regularised all exclusive use issues through leases.

You have to wonder what unit owners get when they pay and pay every year for a strata manager.

We look forward to the Attorney General introducing the new legislation to licence managers and set up a tribunal ☐



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This is a publication of UnitCare Services and is offered as information only and is not intended as a substitute for professional advice.

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SERVICES & FEES A COMPARISON

We thought it might be useful for our readers to compare our services and fees with those of the other major body corporate managers in South Australia.

The fees in the table below include GST and are based on information gathered in January 2008, based on a

group of 8 units. Services and fees may vary according to the size of a group. Fees for additional duties by UnitCare are by negotiation. All care has been taken with this information and we advise that you confirm our competitors fees directly with them. We post updates on our web site when they are to hand. ☐

Comparison of Body Corporate Managers Fees Comparison of Fees charged for strata titled group of 8 units

Fees include GST and are based on information gathered in December 2007, based on a group of 8 units. Services and fees may vary according to the size of a group. Fees for additional duties by UnitCare are by negotiation. All care has been taken with this information and we advise that you confirm our competitors fees directly with them.



	UnitCare Services	Whittles	Strata Data	Adelaide Strata	Homer
Services (inc. GST)	Yes - 1 weeks management fees	not available	not available	not available	not available
PROTECTION...	Yes	No	No	No	No
Money Back Performance Guarantee	Monthly ledger to Treasurer Annually to owners	Annually to owners Quarterly on request	Annually to owners	Annually to owners. Additional statements - fee applies	Annually to owners
Three (3) month money back trial	Monthly to Treasurer. Annually to owners	No	No	No	No
Financial reports to monitor expenditure	Yes - no fee for report	-	-	If requested - fee applies	-
Activity reports to monitor manager's service	Yes	-	-	-	-
Trust Account Auditor's report to Treasurer	Yes	No	No	No	No
Committee / P.O. approve extraordinary payments	Yes	No	Yes	-	No
INFORMATION...	Unit Update Quarterly, hot topics & help for unit owners, posted and available on web	Limited & under construction in parts	Yes - comprehensive	Yes - very limited information	Still under construction
Unit Owners Kit (inc. Notes for Owners)	Yes - 20+ pages of indexed help. \$5,000 hitain	-	-	-	-
Newsletters	Yes	No	No	No	No
Web site	Yes	No	Yes	-	No
FEES...	Yes	No	Yes	-	No
Option 1 PrimeCare - Fixed Management Fee per unit per year. Full service (minimum fee is 7 units)	\$42.25/unit/quarter (\$169/pa) includes maintenance, financial & secretarial services.	\$190/unit p.a.	\$154/unit p.a. exit fees apply \$44 + \$55	\$148/unit p.a. setup fees may apply	\$143 setup fee \$55
Option 2 SelectCare - Time based fee option. (applies to Community Title and additional duties)	\$135/hour Pay only for time used. Full report on activities and time taken.	-	-	Misc. \$99 to lodge an insurance claim to a non-ASM insurer.	-
Option 3 Group Assist - limited service low fee option for small & large groups	\$33.80 unit/quarter (\$135.20/pa) 20% discount Financial & Secretarial service.	-	-	-	-
Meeting Fees	\$135 for 1st 1.5 hrs before 6pm \$195 for 1st 1.5 hrs after 6pm	\$154 for 1st 1.5 hrs evening at units	\$110 for 1st 1.25 hours \$27.50 for each 1/4 hr thereafter	\$99 for 1.5hrs before 3pm \$110 for 1st hour after 3pm	\$110 for 1st hr outside office hrs Mileage charged at ATO rates Common directors with Murray Maintenance
Maintenance - comments	No commissions or ownership of maintenance firm.	Charge commission on many works 5% - 10%	Own a maintenance firm - Strata Data Maintenance	Preferred contractors. \$55 to enter a non ASM preferred contractor	-
Annual on site Visit: report & Photographs to owners	Yes - fee of \$4/unit min \$32	no	no	no	no
Fee for overdue account notices all fees billed to owner	\$11 recovered from owner	\$11 recovered from owner	\$11 recovered from owner	\$11 & \$27.50 recovered from owner	TBA recovered from owner
Funds investment fee - charge to manage funds	\$28 to send to debt recovery	\$33 to send to debt recovery	\$33 to send to debt recovery	\$27.50 to send to debt recovery	TBA to send to debt recovery
Photocopying & Postage	Nil	1.5% of ave bal of funds	1% of ave bal of funds	1% of ave bal of funds	1% of ave bal of funds
Annual Audit	At cost	At cost - ave \$20/unit	\$2.20 per unit per month	No reference on quote	Estimated at \$15 /unit average
Produce/Lodge Corporation's Tax Return	\$11/unit/annum - inc reconciliation & records archiving (scanning to disk)	\$11/unit	\$8.80 /unit - min \$8	\$9.90/unit - min \$99.00	\$11/unit (audit & accountancy)
24 Hour emergency maintenance	\$119 inc tax compliance/deal with ATO	\$220	\$93.50	\$49.50 + tax agent fee	\$88 public officer fee
Convenient Payment of fees	Yes	Yes	Yes	Yes	Yes
Comments	BPay, Credit Card, Cheque, Bank SA	BPay, Cheque, Bank, Electronic	BPay, Credit Card, Cheque, Bank, PO	BPay, Credit Card, Cheque, Bank	Cheque, Bank, Bpay

compare our fees & services

VETTING CONTRACTORS

To ensure that we only recommend qualified and insured contractors to our clients we are improving our systems.

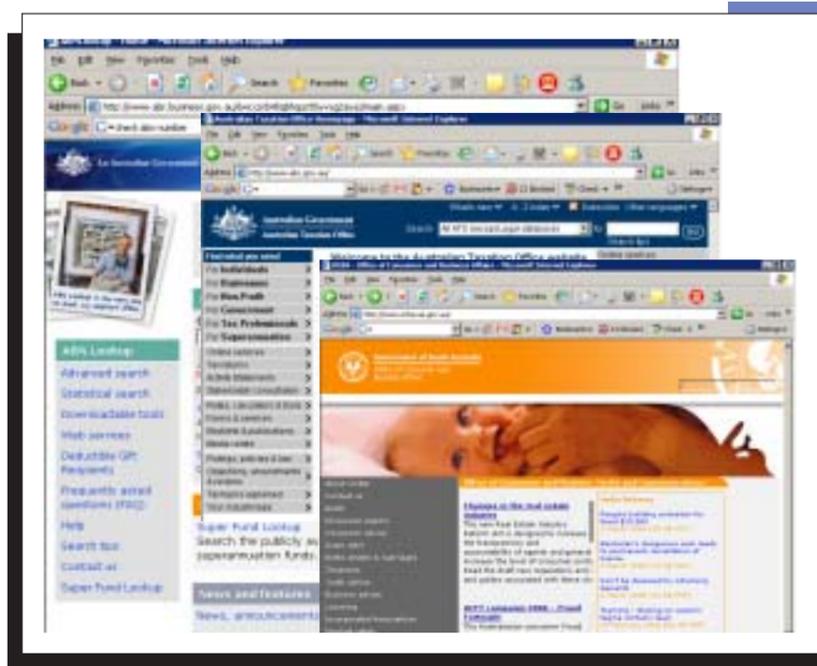
To date we have been requiring our preferred contractors to supply their insurance details, ABN & any licence details.

We have reviewed the risks to our clients and resolved that over the coming months we will be seeking confirmation of licence, insurance and ABN details using state and federal web sites including the Office of Business & Consumer Affairs and the Australian Tax Office.

The details will be stored on the contractor's file and checked annually.

Who pays. Some managers are passing on a cost of around \$66 to each of their groups to have a national firm undertake this work. We will be bearing the cost of the checks except where a client group chooses a contractor of their own (not on our preferred list). They will need to undertake their own checks or have us undertake them for a fee to cover our time.

This improved vetting will help provide our clients with peace of mind on maintenance jobs ☐



BEST PRACTICE - NOISY/NUISANCE TENANTS

Nuisance tenants can ruin the life of fellow residents at any group of units. Strata Corporations and their owners can now take action to evict tenants. 1995 saw the Residential Tenancies Act include a new provision - Section 90.

This section gives any interested party the right to seek eviction of a tenant if the Residential Tenancies Tribunal (RTT) is satisfied the tenant used the premises illegally, caused or permitted a nuisance, an interference with the reasonable peace, comfort or privacy of another person who resides in the vicinity of the premises..

If you are suffering from noise and nuisance produced by a tenant at your group here are some hints on how to solve the problem:

- ✓ Keep a diary of the noisy/nuisance behaviour over a week or so.
- ✓ Have other affected residents sign the diary.
- ✓ Ask your Strata Corporation to approach the owner or agent, if there is one. Submit the diary and a request to have the nuisance behaviour cease - include provision for action under section 90. Give them say 7 days to comply.
- ✓ If at end of this period the behaviour is continuing apply for a hearing under Section 90. Contact the Residential Tenancies Tribunal on 8226 8612 for the application form.
- ✓ If the Corporation is applying, the form can be filled in by the Corporation Secretary or Manager, however at least one owner must be joined in the action (a natural person).

The Tribunal will advise the applicant of a preliminary hearing date to establish if there is a case to answer, if so, the Tribunal will move to a full hearing.

Other options:

You can take action in the Magistrates Court for a breach of the Articles. An owner or the Corporation can apply for a hearing under Section 41a of the Strata Titles Act. This action may be against the owner not the tenant - for their failure to enforce the Articles with their tenant.

Hint: Check when the lease expires - it may be soon, if so seek non renewal.

Before proceeding to Court it may be useful to seek legal advice. Section 90 can be useful in tackling antisocial behaviour from tenants.

If you have a manager check on additional management fees for processing and tribunal appearances.

PS: We have already used the threat of this Section to have some agents and owners lift their performance over tenant selection and monitoring ☐



best practice