



CELEBRATION OF MEN'S CONTRIBUTION TO OUR COMMUNITY



Man Alive! 2009 is a FREE festival for the whole family to attend. Hosted by Graeme Goodings, the festival's purpose is to promote men's health and well-being, and celebrate men's contribution to our community. A wide range of health services will be attending and they will be complemented by a variety of stalls from many different cultures and community groups.

Enjoy the 4th annual FREE men's health and well-being festival for everyone that includes multicultural food & live music & entertainment

The day will create a fun event for families and individuals of all ages to celebrate men in the community. Apart from the Life Be In It recreational program activities, there will be face painting and other fun activities for children. A highlight for many will be the 'Fling A Thong' challenge, Drumming Workshops, Art exhibition, Rock Wall climbing, and the giant puppets! as they meet up with the 'Larger than Life' creations by primary schools. FREE Admission!!!

Sunday 16th March 2008 Semaphore Foreshore Reserve 10am until 4pm

UnitCare is proud to sponsor this community event. For more information phone the Enfield Community Health Service on 8342 8600 or www.manalifestival.com ☐

NEW LOOK & SERVICES

Over the coming months we are introducing a new look and new services for all unit owners in South Australia.

Our newsletter is the start, a cleaner modern look. In 2009 we will be launching:

- ✓ a low claim bonus scheme that will reward clients with social and environmental benefits
- ✓ new web sites to help body corporate & property managers, self managed groups, conveyancers and sales agents

Winning the REISA Excellence in Strata Management in 2008 has excited us to improve the range and quality of our services in 2009 ☐

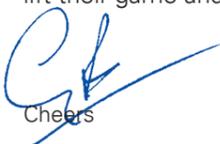
NEED TO LIFT GAME

Recently we asked a group to look for another manager. They decided to go with one of the largest strata managers in South Australia. We sorted the group's records and drew a cheque for some \$12,000 in early October this year. The new manager picked up the records and cheque at this time. A month later we noted that the cheque had not been presented. We wrote to the group's Treasurer and expressed concern. We suggested they contact their new manager to query the delay. The Strata Titles Act requires the manager to..

Trust money to be deposited in trust account

Section 36C. (1) An agent must, as soon as practicable after receiving trust money, deposit the money in an account authorised by this Division in the name of the agent.

Some 6 weeks later the new manager deposited the cheque. The Corporation has missed out on a months interest. We wonder why it took so long for this simple but important matter to be taken care of. One wonders what else may have been neglected. Let us hope that the new Real Estate Institute Excellence Award spurs the strata managers of South Australia to lift their game and excel in service to their clients.


Cheers

Gordon Russell CPM

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

emergency numbers

| | |
|---------------------------------------|--------------|
| Plumbing , Gas, Roof Leaks | 8356 2750 |
| Electrical | 8244 0733 |
| Breakins & Glazing | 0437 818 449 |
| Police to attend - noise/robbery etc. | 131 444 |
| State Emergency Service storm/flood | 132 500 |

UNITCARE WINS STATE AWARD

UnitCare Services has received the REISA Inaugural Award for Excellence in Strata Management.

The awards held in October recognise excellence across all facets of real estate in South Australia. This is the 1st year that the Real estate Institute has included Strata Managers.

The Independent Auditor stated...

The nominee (UnitCare Services) has undergone the rigorous audit process and had their nomination and achievements verified and confirmed.

As the entry was of an exceptionally high standard, the Independent Audit Consultant has confirmed the nominee as the winner.

"Thanks to our clients, our great staff and to the many sales agents & property managers who refer us new business", said Gordon Russell, Managing Director in his acceptance speech on the night.

During the coming year we are planning further innovations including a Low Claim Bonus that rewards clients who are modest in their use of our time and resources. We expect to make an announcement in Autumn 2009.



Di Sullivan & Gordon Russell accepting the award from representative of Terri Scheer Insurance

Here are examples of the response to our winning the award...

Dear Gordon and team,

I read in the paper this morning about your winning the Strata Manager of the Year award. Congratulations! Thoroughly well deserved, and I am so glad that our group is safely in your stable of clients. Well done to all of you.

Regards,

Lesley B.....



Our team on the night with some extras. Frank Rigano our wonderful advisor, Eric Russell (Gordon's father), Hazel Russell & Di Sullivan (Board member and shareholder)

CONGRATULATIONS !!!!

Well Done Gordon!!!! Thrilled to read of your news on Saturday morning - Congratulations! You all deserve it - we often refer clients to you on the basis that you are the " Best Strata Managers to deal with in Adelaide". Do hope that you soaked in the entire evening and enjoyed every minute.

Hope you are planning some major celebrations now!

Kind Regards

Brenton, Tania & all at Eastern Property Rentals

We are looking forward to our fellow body corporate management colleagues rising to the challenge of providing excellent service and joining us at the 2009 awards ☐

CHRISTMAS ARRANGEMENTS

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

This Christmas we are closing our office from 5pm Thursday December 18th and opening on Monday January 5th from 9am.

If you have an emergency over the break and you need assistance just ring **8364-0022** for up to date details on contractors and emergency services, or see the list on the back page of this newsletter.



Published by UnitCare Services. P.O. Box 4040, Norwood South 5067 46 Kensington Road, Rose Park

t (08) 8364 0022 f (08) 8364 6822 w www.unitcare.com.au e mail@unitcare.com.au abn 193 4872 3265

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

after hours emergencies - must phone 8364 0022 for up to date information.

EMAILS - LEGAL STANDING

From time to time we receive requests to send official corporation documents such as Notices of Meeting and AGM Minutes by email. Often the reason is to save on postage and copying costs, an understandable and worthy motive.

We have sought legal advice on our and our client corporation's legal obligations.

The following is an extract from our lawyer's advice...

Common Law Position: There is very little common law concerning the various obligations of service under Sections 49 and 155 of the STA and the CTA respectively. It seems clear from these Acts that the relevant provisions "cover the field" in terms of the manner of service. As such, in the absence of any case law interpreting the service requirements or any alternative methods of service, The Body Corporate should ensure that it serves all notices in accordance with the legally specified methods.



Summary of our advice.

1. Strata Corporations should not serve notices or any other documents by email. Instead, service must be personal or by post.

2. Community Corporations should not serve notices or any other documents by e-mail. Instead service must be by one of the following methods:

- a. giving them to the person or person's agent;
- b. leaving them for the person with someone over the age of 16 at that person's place of residence or place of business;
- c. posting them to the person's last known address; or
- d. fixing them to the property of the lot holder in the manner prescribed by the regulations.

Following this advice our policy is to:

- use Australia Post for all official notices including meeting notices & minutes, breaches of articles and by-laws
- use email to receive minutes such as those from committees and for informal discussions.
- when in doubt use the official mail to confirm emails and calls.

We will let you know if the legislation or legal advice changes ☐

RETAINING WALL - OWNER SELLING

One of our client groups has a problem with their old timber retaining walls. Whilst the steel uprights are in good order the timber sleepers are rotting and in need of replacement as the wall is the boundary with the neighbours below.



One owner is selling their unit and wants to have the part of the wall on their unit yard replaced now. They have offered to undertake the work at their cost. In return they want an exemption for the future owner from any contribution to the replacement of the balance of the retaining walls. Is this legal?

The strata corporation owns the retaining walls and is responsible under Section 25 of the STA for their maintenance and replacement. The owner selling is seeking to benefit from having the wall at their unit repaired now rather than when it suits the Corporation and need.

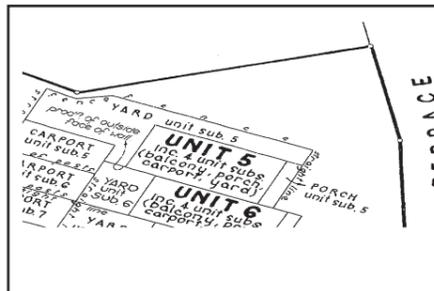
The Corporation could permit the owner to undertake the work,

MISMANAGEMENT CASE

Recently a real estate sales agent tried to sell common property as if it were land owned by the vendor of unit 5 at the group.

The group had been managed by the agent. The group is now self managed. Officers approached us following the agent erecting a for sale sign.

The agent asserts that a meeting in 2002 granted approval to sell the triangle of land to the owner of unit 5. The agent was manager at the time. No minutes of meeting can be found.



A search of the strata plans at the Lands Titles Office revealed that the plans are unamended i.e.: the land remains common property.

We formally notified the agent of their error and that they are required to seek a Section 41 (Strata Titles Act) search document from the officers of the group when listing the unit for sale.

Best Practice:

The manager could have assisted by:

- convening a general meeting of owners
- a notice paper explaining the proposal - at least 2 weeks notice
- advising owners of the need for a unanimous resolution
- establishing a fair price for the land through a valuer
- arranging for the plan to be amended if passed by the meeting
- ensuring all costs are met by the owner buying the land
- collect and bank the agreed purchase monies
- circulate the amended plans when to hand

Our intervention was a great comfort to the officers and provided at no cost as we provide the first half hour consultation at no fee ☐

however it needs to ensure the work is undertaken to ensure it is to trade standard, that is it will not fall apart in a year or two. This will not exempt the new owner from sharing in the cost of the balance of the works.

All owners have an indivisible interest in the common property and need to share in its maintenance...

Section 10 (STA). (1) The common property is held by the strata corporation in trust for the unit holders.

(2) An equitable share in the common property attaches to each unit and cannot be alienated or dealt with separately from the unit.

(3) The extent of the share is proportioned to the unit entitlement of the unit

Strata Corporations need to be very careful when considering an owner's request to undertake work on common property be it painting, roof restoration or fence works.☐

SINKING FUNDS VALUE OF FOR OLDER GROUPS

In November this year a large hole appeared under the foundations of a unit in a group we manage.

This was a shock to the owners and ourselves. It occurred on a Friday afternoon necessitating an urgent call for bunting and the engineer.

The resident had to vacate until the engineer gave the okay. An old cellar was the cause. The covering timbers had failed after 40 years.



Photo 10 - Concrete pavement cut to provide access for inspection

Fortunately the foundations were strong enough to span the hole without failing.

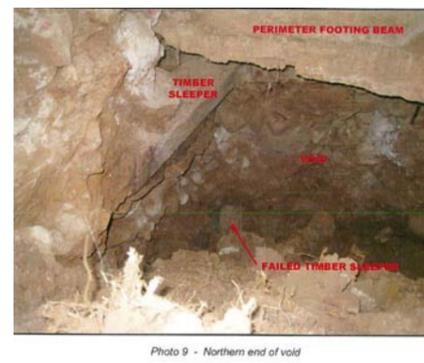


Photo 9 - Northern end of void

The strata corporation now faces a large bill to stabilise the ground under and about the building.

Fortunately the group has sufficient money put aside in its sinking fund. They were not planning to use it to fill a hole. Having the money in hand will avoid a large emergency levy with the resultant stress on unit owners.

Owners in groups built in the 1960s and 1970s face potential capital calls for:

- fence replacement
- roof works
- foundation stabilisation
- external timber replacement
- sewer replacement in part or whole

We strongly recommend that owners in these older groups start raising sinking levies as soon as possible if they have not done so already ☐

RESPECT

Our staff deal with many client calls a day. Most appreciate the help we provide. A small minority however are rude, swear and are disrespectful. These calls can be distressing for staff.

We ask all our clients to treat our staff with the respect they expect us to show them. For those who insist on being rude our staff will terminate the phone call after 1 warning.

Of course we expect you to respectfully take us to task if we have failed to deliver on service ☐

INSURANCE COMPANY GOES THE EXTRA MILE FOR SENIOR UNIT OWNER

Recently an older unit owner, a client of ours at Hallett Cove was burgled. The old screen door was damaged and money was stolen.

It appears that she was followed home after withdrawing savings from an ATM.

The owner understandably decided to install a superior security door.

The damage to the building is covered by the Strata Corporation's insurance policy.

A claim was lodged for the door replacement. The reply from CHU/QBE Insurance was in part..

"The Residential Strata Insurance Plan policy provides cover for the replacement of damaged property. In this particular case the replacement cost of the flywire screen was quoted at \$319.00 and the upgraded security screen was quoted at \$660.00.

Due to the circumstances surrounding this claim and our long standing business relationship we have provided settlement in the amount of \$660.00."

Insurance companies can be seen as large and uncaring businesses. We are pleased to deal with CHU/QBE as they have a local office with staff dedicated to looking after strata and community titles. They are recognised as the national leader in body corporate insurance.

We have found that they will go the extra mile to help our clients.

We have been an authorised representative of CHU for more than a decade www.chu.com.au ☐

COMMITTEE MEMBERS & PROXIES

Some of our clients are a little confused over who can and cannot attend committee meetings and who can vote.

For residential strata and community titled group committee members MUST be owners (on the title). If a committee member cannot make a meeting they can appoint a fellow owner as a proxy. Relatives who are not owners cannot be proxies.



For commercial, retail and industrial groups tenants can be involved. The relevant sections of the Strata & Community Title Acts need to be consulted ☐