

Body Corporate Services Pty Limited
ABN 82 010 120 144

PO Box 444, Broadbeach, QLD 4218
DX 41504 Southport
bcs_goldcoast@bcssm.com.au
www.bcssm.com.au

Ph. 07 5509 6666
Fax. 07 5509 6677



MINUTES OF THE COMMITTEE MEETING OF THE BODY CORPORATE FOR "CATHEDRAL PLACE CBC" MIXED COMMUNITY PLAN 106902 HELD ON 1ST OCTOBER 2009 AT 5:00 PM AT MEETING ROOM, CATHEDRAL PLACE, 41 GOTHA STREET, FORTITUDE VALLEY

PRESENT IN PERSON

Randall Edwards (Chairperson/Treasurer), John Gilliland (Secretary), Peter Zunker, Crestina Ceraolo, Tony Rich (Ordinary Committee Members)

APOLOGIES

Michael Pointing

PROXIES

Michael Pointing to Todd Raumer

IN ATTENDANCE

David Gordon representing Body Corporate Services Pty Ltd.
Greg Przewlocki A114 Observer

CHAIRPERSON OF MEETING

Mr Randall Edwards chaired the meeting.

QUORUM

The chairperson declared that a quorum was represented and the meeting was declared open at 5:00 pm.

1 CONFIRMATION OF MINUTES

The meeting noted that the minutes of the previous meeting held on 28 September 2009 are not yet available.

2 ACCEPTANCE OF PROXY

Motion 2: That the proxy from Michael Pointing in favour of Todd Raumer be accepted.

RESOLVED by **Committee Resolution Without Dissent** that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

3 MANAGEMENT AGREEMENT BREACH LETTERS FROM:

NOTRE DAME BUP 106912 AND OXFORD & CAMBRIDGE BUP 106905

The Chairman proposed the following motion which resulted in lengthy debate about the letters, their legal interpretation and how the matters should or should not be handled but without formal resolutions being made with respect to those issues.

Trust us for service excellence today & beyond

Corporate Lic No: 862864, (NSW) Memberships:
National Community Titles Institute (NCTI), Institute of Strata Title Management Ltd. (NSW), Community Titles Institute QLD Ltd (CTIQ),
Owners Corporations Victoria (VIC), Community Associations Institute (USA), Urban Development Institute of Australia (NSW)
Branches: (NSW): Sydney, Central Coast, Forster-Tuncurry, Miranda, Mona Vale, Newcastle, Port Stephens, Tweed Heads, Willoughby, Wollongong
(QLD): Brisbane, Cairns, Coolangatta, Gold Coast, Mackay, Noosa, Port Douglas, Townsville
(VIC): Hawthorn, Melbourne

Typed by: David Gordon
CATHEDRAL PLACE CBC MCP 106902

Motion 3a: That the Cbc engage Gadens Lawyers respond to the Deacons letters of 28 Sept 2009 and 1st October to the claim of a breach to the management agreements between the CBC and Oxford & Cambridge BUP 106905 and Notre Dame BUP 106912 in the following manner:-

1. That Gadens lawyers be engaged to assist in the corporate response document;
2. that the Chairman of the CBC meet with the representative of Star BMS to review the following
 - o Confirm work done relevant to the cbc contractual obligations.
 - o Identify any items in the Deacons letter and to instruct Star BMS to remedy them
 - o And that this information be passed on to Gadens to include in their response;
3. That Gadens be asked to prepare a response for point three;
4. That Gadens be asked to prepare a response to 3. 1 4 & 5 to identify items not included in the contract;
5. That Gadens be asked to prepare are response to the potential inappropriate allocation of clause 5.5 of the management agreement for cost of services provided to the village BUPs. This formula is said to apply the cost needs to apply if the costs applied by the manager relate to all parcels This does not apply because one parcel is not included in the costs so those services do not apply to all parcels & to advise that times and invoices to substantiate actual costs are not required in the agreement and that Gadens be asked to consider an appropriate response to point 2 which would indicate that in fact it is the bodies corporate of Notre Dame BUP 106912 and Oxford & Cambridge BUP 106905 that are in breach of the contract because they have not paid their quarterly estimate of costs and in fact Notre Dame BUP 106912 have not paid their invoices for the services provided.

The above motion was not voted on.

MOTION 3b: That responses should be sought from:-

- Star BMS regarding points 1.1, 1.2, 1.3 1.4 through to 1.9, 2 (limited to costs only) & 3.3; &
- Gadens Lawyers to advise the CBC with respect to items 1.4, 2, 3.1, 3.2 and 3.4.
- That Peter Zunker & Randall Edwards provide questions to be submitted to Gadens by David Gordon.

RESOLVED by **Committee Resolution** that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

4 **ATTENDANCE AT MEETINGS – STAR BMS**

MOTION: That Star BMS be given a standing request to attend all future committee meetings of the Community Body Corporate Committee and that Star BMS is to include any necessary quotations required to be considered and advice regarding any breaches of the by-laws and actions taken regarding same.

RESOLVED by **Committee Resolution without Dissent** that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

5 **REQUEST EXTENSION TO RESPOND**

DISPUTE RESOLUTION APPLICATION 0835-2009.

MOTION: That an extension to the request for submissions received from the Referee with respect to the interim order under Dispute Resolution Application 0835-2009 be requested pending a determination in General Meeting of the body corporate to approve the variation of the agreement between Body Corporate Services and the Cathedral Place Community Body Corporate MCP 106902 by the insertion of the following clause:-

The Body Corporate Manager will accept all directions or instructions from:

- a) In respect of administration duties of the community level performed specifically for the benefit of the body corporate, one person, who shall from time to time be duly nominated in writing by the Body Corporate. If there is no such nomination, the Body Corporate Administrator shall accept instructions from the Chairperson of the Body Corporate only; and
- b) In respect of Administration Duties, performed specifically for the benefit of each subsidiary Body Corporate, the Chairperson of that subsidiary Body Corporate.

RESOLVED by **Committee Resolution** that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

NEXT MEETING

To be advised.

CLOSURE

The chairperson declared the meeting closed at 7:20 pm.

CONFIRMED AS A TRUE AND ACCURATE RECORD

Chairperson: _____ **Date:** _____

Secretary **John Gilliland**
Address **c/- Grant Kerrison**
 Body Corporate Services Pty Limited
 PO Box 466 Toowong Qld 4066