

Publication Date: 26 January 2022
**YSP Podcast Transcript: Episode 297. How to Choose the Right Strata Manager -
with Brendan Cleaver**

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Intro: Welcome to Your Strata Property, the podcast for property owners looking for reliable, accurate and bite-sized information from an experienced and authoritative source.

Amanda Farmer: Hello and welcome. I'm Amanda Farmer, your podcast host, and it's my job here each week to help you demystify the legal complexities of apartment living. My guest this week is Brendan Cleaver. Brendan is the director of Cleaver Strata Consulting based in Sydney. Alongside his wife and business manager, Sarina Cleaver, they share over 30 years experience serving the property, strata, and legal services industries. Initially positioned to provide professional strata consulting and reporting services to prospective property purchasers, they also provide project-specific setup advice to off the plan purchases, property developers, builders, and strata managers throughout New South Wales and Queensland.

Brendan and his team are currently presiding over the setup of more than 1,500 strata lots for a wide range of developer projects, including the first DA approved apartment complex of 82 units in Sydney's new Aerotropolis, due to commence construction this year. I really enjoyed this chat with Brendan, and in our short time together, we covered a lot. Strata inspection reports, matching property developers to the right strata manager for the job, and why cutting ties with an underperforming strata manager doesn't have to be the painful process it sometimes turns out to be. Lots here for everyone. I'll take you over right now to my chat with Brendan Cleaver.

Brendan Cleaver, welcome to the show.

Brendan Cleaver: Thank you, Amanda. Nice to be here.

Amanda Farmer: It's a pleasure to have you here all with us, and I've been looking forward to this chat. Yours is a name that I have seen floating around for a little while now on my social feeds, and I'm even hearing from my clients now that have been working with you and have been very happy with your services so I thought it was about time to bring you here onto the show and ask you just what it is that Cleaver Strata Consulting is doing. What do you do and who do you serve, Brendan?

Brendan Cleaver: Thanks, Amanda. We're an independent strata consultancy firm based in Sydney, and we've been around the industry for about 20-plus years now, and our main clientele that we service are strata property purchasers, strata committees, and developers of new strata apartments.

Amanda Farmer: So, that is a wide range, and let's talk about purchasers first. What is it that you're doing for strata purchasers?

Brendan Cleaver: Okay. So, predominantly when the business commenced, we were purely a strata inspection firm. That's how we started into our foray into the strata management industry, and crossover, I was a guest to legal industry as well, and providing detailed due diligence or strata reports for anybody buying a property that falls under the strata regulations, investors, mom and dads, downsizers, anybody that's looking to buy a strata apartment. Obviously, as you know from what I've seen on your previous podcast, yes, that it's an important thing to get done, and not a lot of people I've found have looked at the stats over the years. The stats to be about 40 or 50% of people that buy a strata apartment get a strata report.

So, there's a bit of education that needed to be done, and I guess I'd like to have seen myself as a bit of an industry voice, an advocate for not only just the property purchasers, but the communication between strata inspectors and the strata managers and the licensees to help them understand exactly what it is that we need to see to convey the correct transposition of information to the person that's buying the property that gets our report, and allowing them to have a bit of a snapshot into how the building operates and how well it's funded and all the things that go into a strata report.

Amanda Farmer: And we'll get into your work with developers and strata committees as well, but first up, tell me a little bit about your background. How did you come to be producing strata inspection reports, working in the strata space? Give me a bit of

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background.

Brendan Cleaver: A little bit by default into strata, which at first was a little bit scary because I knew absolutely nothing about strata because originally I came from a financial advisory background, working with a couple of large fund managers, helping train financial advisors, and financial planning software, and product training, and things like that. And my family ran a very big law stationery business in Sydney back under the old school regime of affectations and paper versions of certificate of titles and physical property settlements in the city and things like that, and they ran a strata inspection in their business that had been quite successful that my uncle started, and he just simply gave me the opportunity to learn something new, and he said, "You'll get to meet lots of people."

He had in the back of his mind, I think eventually he saw a bit of the writing on the wall with the automatisisation of law stationery, which happened probably 10, 15 years ago, maybe a little bit more, and he knew he was going to sell the business so I guess he just gave me the opportunity to sink my teeth into strata and learning as much as I could and built up a lot of contacts within the industry, built up a lot of good rapport and trust with strata managers because the strata inspection process, it's not just looking at the records. It's partially having a good rapport with the strata management companies, and even though the act says that they're obviously not required to tell us things that are not in the records, I think a certain level of respect and communication and comradery and trust between those parties does help because without being derogatory of the industry, I've had many, many occasions where things are going on in buildings which you just don't see in the record.

So, a quick knock on the door, an email, if you're in the office or now probably over the phone because they know us, hey, we've just done this strata inspection on your building. Looks like there's an EGM coming up. Can I possibly get a copy that agenda because it wasn't in the records? You might find a \$250,000 special levy that you wouldn't have found if you don't have that ability and aptitude and communication and relationship with the strata managers. So, that's what I've built up initially.

Amanda Farmer: And you are spot on there. I've definitely had that experience as well going in looking at books and records. I often come in with a big stick in that I'm the lawyer acting for an unhappy owner. So, I've been in many offices where I think, in the back room, there's a flurry of activity when I come in and the word gets around that I'm doing a strata inspection and documents start gradually flowing into the little meeting room where I'm sitting. It shouldn't be that way. It really shouldn't be that way. Some purchasers are doing their own inspections as we know, and what is happening in the building should be on the record, and not all strata inspectors, even those who are paid to do that job, professionals, are in the same position as you or as I to be able to make those inquiries and get those answers. So, that's really concerning.

Brendan Cleaver: Yes, I agree, and I think that a lot of it I see is actually about helping the industry too. I don't sort of go in and beat strata managers over the head and say, "Listen, I want this." I think they know our business and the people that work for us. We've got a couple of ex-strata people that work within our organisation too, and if we ask a question that comes from our organisation, usually it's a fair question. It's not a silly thing like are there any defects in this building, I mean, you can usually work that out by reading some minutes or hopefully opening a defects file and finding something in there, but I see it more of a assisting the industry to be better and more efficient.

So, the end users of that strata report is the property purchaser being the new strata owner that becomes the customer of the strata manager, and this is one of my biggest bugbears that some strata companies, and not necessarily all the big ones, some of the newer companies often not understanding that correlation between the process it has to follow. A lack of communication can really be a poor start to that relationship with that new client.

Amanda Farmer: Yes. And you say you don't beat strata managers over the head. That's fine. You can leave that to me. That's what I do.

Brendan Cleaver: Sure.

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Amanda Farmer: And you've mentioned there with your uncle giving you the opportunity to focus more on strata that it was the opportunity to learn something new, and I have to say, when you're in this space, you are learning something new every day, and that's part of the reason I love it. So, that resonates with me too.

Brendan Cleaver: There's a lot to learn in strata. I mean, it's one of those unique industries, and I often say this to a lot of young trainee strata managers or people I get to meet that know me and see people talking to me, obviously, this guy knows a little bit, and I say, "Look, this is a really great job for you. You may see it as a bit of a pain at the moment because it's so laborious and you're doing a lot of paperwork and you have to know about everything, but it's one of those unique jobs in industries that covers a far-ranging amount of areas," and it's testament when we do a strata report now.

We're not just telling them whether there's money in the bank and there's a special levy. We're covering all levels of compliance within a report, whether it's cladding, the WH&S, Capital Works Fund Reports, asbestos reports. The whole gamut of compliance has just made the whole process a lot more complex. But I think, yeah, skilled strata managers now and experienced strata managers, I think if they gain that experience, they could be a really great asset to the industry team.

Amanda Farmer: Definitely. Tell me about the work you're doing with developers.

Brendan Cleaver: Yes, predominantly, I guess it sort of started to fall a little bit hand in hand with some of the transition work that I've done, a little bit of work I've done with various lawyers over the years because what I was seeing, a lot of my lawyer clients are ordering strata reports from me, spoke to me and identified pretty quickly that I knew a fair bit about strata, and a few of them came to me and said, "Look, we've got a few developer clients that they're just not getting a lot of help from the strata manager who they decide to appoint at registration or close to the registration of the scheme. We're not getting a lot of input into whether the budgets are actually going to be accurate for the new building, whether the by-laws are appropriate, whether the right structures are in the building if it's say, for example, going to be an embedded energy building or embedded internet or non-embedded, whether all those things have been planned out and taken into consideration."

So, I thought with all my experience, I started to get to know a few developers, and a few of them basically made it pretty clear to me that they would benefit by having somebody working on their development team that not only knew strata and knew about the process of setting up new developments, but also has a good relationship with the industry that could help them to effectively match their developments with the right strata managers per project. And I think over the years, we've seen a lot of companies, with all due respect to some of the people that I know are high up in the chain in strata that know my opinions on this, but I see a lot of developers just churning the same buildings out to the same strata managers year after year, and I think sometimes it's just because there's a relationship there and it's not always about really detailed consultancy being involved in the setup, even though some companies may offer that through their BDMS and people that do those roles.

But I just started to realise that there wasn't a lot of thought put into the planning, the surveyor draft of the strata plan, he gets the final strata plan registered, and then, oh, heck we've got to find a strata manager to manage this building, and they may not have even worked out a budget for presales to tell people what the levies are going to be. It's just a guesstimate that the agent comes up with. So, I started put a lot of the time into how I develop that model, and it's an end to end process that we offer to developers to help them from as early as DA approval, right through to appointing a builder, and CC plans, and completing construction, OC through to registration and the inaugural and first AGMs.

We sort of work right through the handover, and in a way, I don't think we're really, we're not taking business out in the industry. We're actually regenerating that work back in to the industry, but maybe shifting it away from the way that developers have always done things, I think because it's easy for them to just keep using the same company in a lot of cases.

Amanda Farmer: So, just to fill in some of our listeners who might not be familiar with that process of setting up a brand new strata plan, and you can tell me if I'm wrong, Brendan, but as I understand it, in a lot of cases, the developer is consulting with a strata manager quite early on before that manager's appointment is even required legally able to happen, and that happens at a first

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AGM, and the strata manager provides guidance, provides templates, points the developer in the right direction when it comes to by-laws, reminds them what their legal obligations are under the Strata Schemes Management Act, and helps them out, very often for no fee in the expectation that they will be the strata manager proposed at that first AGM to be appointed by the building for the first 12 months, 12 months being the limit of an appointment at a first AGM. Is that what you see on the ground and what you're really looking to disrupt with what you're doing?

Brendan Cleaver: Yes, I guess there is a little bit of that disruption aspect to it, but I've tried not to be a troublemaker in the industry over the years. I try and have really good relationships with the right people in the industry and communicate my model, my business model pretty clearly. I think the top licensees of a number of companies that work within our panel and sometimes just on the periphery of our panel understand that. And I think what I've seen is because the expectation that they do all that work for nothing that the strata manager company or the licensee leans on the developer and says, "Look, we're going to do a hell of a lot of work for you. We're going to need you next thousand lots goes."

So, I'm not saying that's the way it is in all cases, but I think I've proven through working with... Some of my clients have 35, 40 developments going on around the country, and one of my biggest clients has at the moment, and a few of them have varying levels of size of lots from 10 to couple of hundred. Most of these developments end up passing through the hands of a varying different range of strata management companies. So, we're not replicating the same thing. I guess I have put a fair bit of time and research into working out who the best operators are in the development side for new schemes, and I think I've got a pretty good team together in that respect, but I'm always open to extending that if I see the right environment there to do that.

Amanda Farmer: So, are you really doing a tender process for the first AGM? So, going to first AGM, you've got options there for the owners to choose from and perhaps a preferred option. It's not just the strata manager the developer puts on the agenda.

Brendan Cleaver: It can be that way. It depends on, I guess, the developer. If they want to consult us for all the assisting with the early preparation of things like by-laws, calculation of unit entitlements, even surveying. I mean, we've got a whole range of early engagement professionals that work within our team that are some of our referral partners too. That's the way that part of the industry works. Early engagements is always a good thing to help with the early planning. But I think that most of the strata managers that end up getting these buildings tend to be a little bit more thankful that there's a bit more of a thorough process gone into the appointment rather than just a gift or your mate's uncle's a strata manager of the developer's second cousin, and that's how we got the building.

Amanda Farmer: Yes. And I'm sure the confidence of the owners who, as you say, ultimately, at the end of the day, they're the client. They're the one in 12 months time who got to vote to renew your contract, then they're the ones who want to keep happy, and they're going to have a lot more confidence if they know that that's the process that's been applied.

Brendan Cleaver: They only get a one-year gig. So, it's not a lot of time for that strata company to put a lot of work in and muck it up and lose it to somebody else. So, I think we've proven through a number of recent developments that we've worked on that have reached past their first AGM that the retention level is good, and I think that consultation process, and I will attend the first AGM on behalf of the developer. So, I'll introduce myself as the consultant on behalf of the developer, and if there's anything that the developer needs to communicate, whether it may things like embedded networks or EV-charging stations or storm water systems, any of the things that the developer puts in they'd like to communicate, then I can represent the developer, and then introduce the strata manager or the candidates to a vote at that meeting. So, it becomes a little bit more impartial.

Amanda Farmer: And you speak strata so that's helpful. A lot of developers don't speak strata.

Brendan Cleaver: Yes. But I think some strata managers brought us in when they attend the first AGM, sometimes they tend to sometimes treat people like they're idiots and they don't really know much, and some of them may not know a lot, but I think just the persona and the communication and the rhetoric that occurs sometimes it's not always helpful. So, I think sometimes somebody else represents the developer, it's not the big old developer sitting there saying, "This is what I've built. You bought one

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of my units, and good luck, and here's your strata manager." We have proven to show that it provides a more professional flow with the handover and is more receptive to the new owners of the building.

Amanda Farmer: Yes, that's a really good point you make. We should bear in mind that when apartments are purchased off the plan, depending on the nature of the building, where it is, how expensive the apartments are, you may find you've got a particularly high proportion of first homeowners, and if not first homeowners, then first apartment dwellers. So, a lot of people who've never owned in strata before, and I know with some new buildings I work with, that's often at the heart of the difficulties in the first year is that people just don't understand what they're getting into, and coming up against a strata manager who isn't able to communicate on their wavelength because they're so busy, they've got plenty of buildings to deal with, they find it hard to empathize perhaps with the situation of the new homeowner. A person like you coming in who communicates with exactly those people day in, day out, having those special skills can be a real asset. So, I can really see where you slot in there.

Brendan Cleaver: Thanks, Amanda. I think too that it's often the licensee or the big cheese in the strata company that represents that first AGM. It's not always going to be the young strata manager, maybe a couple years' experience who's going to take over that, maybe at the building, but doesn't really have that chance to build the rapport early on. I think the focus on that is obviously so that licensee gets the deal done and makes sure that every vote's in favor of that motion to a point, which I understand is part of the process that has to happen, and I'm not against that happening.

I'm just providing a different way of doing things, and I see it as an education process to help educate the developer to have a better project to the industry and even things like early defects reporting and processes, we can help with that to avoid litigation issues occurring sometimes, can't always occur, but having really good early processes in place to hand over to the strata manager and the developer's aware of that very early on. So, they know they're not just sort of going to ignore people when they start reporting defects a couple months in. They're going to expect that.

Amanda Farmer: Yes, that is a good thing. Now you also, Brendan, work with strata committees. I understand that's particularly in this process of changing strata managers, finding a better fit for the building. I've called it a tender process earlier in our chat. Can you share with us how that works in your business?

Brendan Cleaver: Yes, sure, Amanda. I mean, this is definitely something I've been, I'm really passionate about for many years too. Again, I think there's been a real lack of independent operators in this space helping people to make choice because there's, I think New South Wales alone, it's around about 300 strata companies, I think somewhere around that.

Amanda Farmer: I'd love to know where you get that data from because it's hard to find. You're probably right, but it is hard to find.

Brendan Cleaver: Yes, that's the figure I heard bandied around a couple years ago, and I just know from my travels, I've seen a lot of new companies and people leaving existing companies to start their own business. So, I think it could be more than that, and there's a lot that you'll never hear of as well because they're run out of real estate offices or out the back of chip shops or something like that. But yeah, look, I think I saw a company set up a model quite a few years ago that was just based on a referral type of structure, and it was a very limited panel of strata managers that they had options to, and I thought, "Well, look, if committees are open to really be vested in making a change, if they've reached that point of realizing they need to change strata managers, the committee is generally the conduit to making that occur in cases."

I think it's proven to show that if they're invested in that, they really want to talk to somebody, and what I do initially is basically have an initial meeting with the strata committee to find out about the building and the history, where they've been, who's their past strata managers. A common thing that comes up, we've had five strata managers in the last couple of years because they keep leaving.

Amanda Farmer: Yes, in terms of the staff in the company keep turning over.

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Brendan Cleaver: The staff in the company. It may not necessarily be a negative on the operation itself, but change of hands of strata manager is a big thing often that I hear very early on. So, we just help. We take the time to understand the bad experiences they've had and find out exactly what it is that they're after and what their needs are moving forward, from what style of management that they want, the length of the contract.

There's obviously varying types of strata management proposals that get put out there to people, sometimes are very difficult to understand, even for very savvy and astute committee members which I deal with a lot of larger buildings. I guess 50 lots and above is sort of more space where I work predominantly with a lot of my transitions. They tend to be the buildings that have part-time or full-time building managers, and they're really invested in what goes on, and they understand how much money's going through the building each year through their budget and their levies, and they don't just want take the risk of taking a punt to go to Google and find who rates as the best strata manager there, and I think we've identified that providing a really consultative process and helping the owners facilitate how to make that decision to find the right strata manager.

I mean, that's what we've shown to be a really valuable tool and working in partnership with the committee right through, seeking the early proposals, fire an expression of interest, we would then meet back with the committee. We'd probably meet with the committee probably four or five times at least during any transition process to basically go through the different steps that we follow, and we'd then be shortlisting those proposals down to say two or three. We'd quite often start with seven or eight, sometimes even more, and the shortlist of candidates, we would organize an interview with the committee so they can meet the potential candidates to face usually the licensee and the proposed strata manager is in attendance, and I've developed a whole list of questions over the years to be able to quantify what it is that the committee is after and making sure that matches the needs of the requirements that the new strata manager can provide as well.

So, it's sort of a little bit like a matchmaking process, I guess, and there's no secret to it. I mean, I've got it right a lot of times. I've not had too many committees come back to me a year or two later saying, "Look, you made the wrong decision here." We usually get a lot of really favorable reviews and really good references from our committees that we work with, and they've been really happy with the choice, and I think part of the reason being, I think, because they take that time and it's usually a couple of months if we do it properly to really go through.

Amanda Farmer: You've just answered my question. I was about to ask you how long you'd recommend that committee start planning to engage in this process.

Brendan Cleaver: 2 to 3 months out at least, but I think if you're really going to do it thoroughly and you really want to provide a really good tender candidature for the other owners to consider in the committee, I think probably six months out. And of most of the committees that I worked with, generally, they've been strata owners who've been with the same strata company for a long time. So, they've thought about changing, oh, it's all bit too hard. We don't know how to do it. There's hundreds of strata managers out there, so how on earth are we going to know who's the right strata manager for our block.

We've refined some really good questionnaires and processes to really knock down the process and try to get it as accurate as we can, and we usually get to a process where we've got least one or two candidates at the end that are really qualified strata managers, well-experienced and well-matched with the building, and they've had a chance to meet the committee. Very rarely do they shy away because most of them are pretty keen to get their name out there, but we do the hard work of prequalifying prior to getting to that part of the process.

Amanda Farmer: And are you engaged and paid by the owners corporation?

Brendan Cleaver: It depends on whether we run an open or a closed tender. The way I prefer to do it is basically through an open tender process. I work in consultation with the committee. We can select managers we've pre-recommended from our panel, but they can also open up the tender to the larger strata community if they like, and usually, it's an amalgamation of the two. The last couple I've worked on, the last one I did, it was a bit of both. The committee put forward a couple of recommendations. I put

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forward 5. They came back to me with two ticked off my list and said, "Look, the reason we don't want to use these people because we've talked a few other strata committee people that we know," and they've made their own decisions.

So, it could be a mix of both, but generally, I prefer to do it on a fee for service basis. That way it just limits people basically making any allegations that we've swayed them all the way, but if a committee doesn't have a budget for that, then we can do it on a closed tender basis from our panel, which is also proven to be quite successful, and we would be seeking a fee from the successful strata managing agent for that.

There's no secret to it, finding the right strata manager. I think what I found is that the value in the process is the time you spend with the committee and listening, and I don't know whether it's a little bit of a sixth sense or just experience that comes into it, but I usually walk out of that first meeting and I have a pretty good idea of some really good candidates that will match with the personalities of the committee and the style of management. And obviously, we've got to do professional side and all the due diligence and the EOI that we put together, but I think a lot of it is the experience I've had of the industry and knowing the good operators, and I don't have favourites. I think I share a lot of work around different parts of town. You can't be a friend to everyone.

Amanda Farmer: No, indeed.

Brendan Cleaver: No.

Amanda Farmer: Brendan, it's a tough process for some buildings. You've already mentioned that it can be three to six months when we're talking about transitioning from one strata manager to another. What would you say is the biggest challenge that you see your clients face when they're going through this process, and how do you help them avoid that challenge or overcome it?

Brendan Cleaver: I think if we're talking about the end of the process where they've made the decision and that they're planning to move on, I think one of the things is, is anything going to change, are we going to lose our records, are we going to get all our money transferred from one trust accounts to another, are we going to lose our records, our history of our building.

So, I guess that works where we can come in and help allay fears by obviously recommending really good qualified strata managers that have a trusted and tested past history of management, and basically just reassuring them that the processes isn't that scary. Making the decision in going through all the different types of strata managers is probably the hard part, but the handover and transition process generally tends to happen pretty smoothly, and we tend to keep a really good communication process going between the incumbent strata manager and the new strata managers to make sure that all that process happens quite smoothly.

A couple of ones I've done, the committee have asked me to engage one of my staff to just go in and transpose a copy of the key records just in case there may have been any ill-feeling between the old strata managers just so they protect themselves.

Amanda Farmer: Yes. I was going to say that in my experience that the trouble if there's going to be any, happens with the old strata manager not handing over everything. So, I suppose if committees are concerned about that process and worried that their former strata manager is going to conduct themselves in that way, then that's precisely the reason why you really need to get a new strata manager and get going on that because that shouldn't be a worry that you have to bear when you're engaging and paying a professional.

Brendan Cleaver: I think I'd have to say most of the committees I work, with by the time I'm engaged because a lot of our work comes from a referral, we do a little bit of advertising and things like that, but not a lot, it comes from referral, and I've even been referred by the current strata managers of the building who many have come to them and said, "We've had 3 or 4 last year." We've done on that basis where a strata manager gives me a call and says, "Hey, listen, we're managing this building. The committee want to run a tender. We'd prefer they not go to the open market, and we've suggested your services as an independent, trusted professional, and that that'd be worthwhile having a chat to you."

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And quite often I'll encourage them if the relationship isn't that bad and they're sort of a little bit on the edge as whether they make the change or not to include the current strata manager in the tender, and that's happened on a few cases. Quite often, they're maybe pulled out towards the end if they sort of get closer to making that decision that it's not the right fit for them. I'm certainly not against that occurring and we try to make it as an open and transparent process as possible for the committee.

Amanda Farmer: Well, we have covered so much today, Brendan, and I think already we're running over time. Do let me know if there is something you wanted to cover that we haven't got to, we will make sure our listeners get to hear it, and leave us with how to find out more about you, where our listeners should go to contact you.

Brendan Cleaver: Yes, sure, Amanda. Thank you again. And yes our website is cleaverstrataconsulting.com.au.

Amanda Farmer: That's C-L-E-A-V-E-R.

Brendan Cleaver: Yes, that's right. Leave it to Cleaver, and socials, Facebook and Instagram or our 1-300 number which is 1300 611 312.

Amanda Farmer: Excellent. Well, we've only scratched this surface of some, I think, really big issues that our strata industry faces, and I've enjoyed chatting with you about them. I'm sure we can set up a time to dig deeper on those. Keep up the good work that you're doing, Brendan, and I will look forward to seeing you again sometime soon.

Brendan Cleaver: Thank you, Amanda. Thank you for your time.

Outro: Thank you for listening to Your Strata Property, the podcast which consistently delivers to property owners reliable and accurate information about their strata property. You can access all the information below this episode via the show notes at www.yourstrataproperty.com.au. You can also ask questions in the comments section which Amanda will answer in her upcoming episodes. How can Amanda help you today?