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YSP Podcast Transcript: Episode 329. How to get your bathroom reno approved

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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, and I have with me today, Reena Van Aalst from Strata Central. Hey there, Reena.

Reena Van Aalst: Hi Amanda, how are you?

Amanda Farmer: I'm good, how's your weekend strata going?

Reena Van Aalst: Actually it's been quite good this week, pleasantly surprisingly. Strata managers work so hard, Amanda, as you know, and so having a good week sometimes is a luxury.

Amanda Farmer: Something to celebrate, that's for sure. We're recording this on a Friday, so I hope that you're taking some time to yourself this weekend. I do know you, Reena Van Aalst, I do know that you find it hard not to be working on weekends.

Reena Van Aalst: Yes, well I think I just find it's a good time to catch up sometimes, without all the same volume of emails coming in. I think for most managers getting our emails under control is one of our biggest challenges.

Amanda Farmer: Yes. Well, I know you have a specific challenge for us this week to share, let's jump on into that one.

Reena Van Aalst: Yes, so this week, Amanda, I just thought I might bring up the issue of Google reviews and strata management companies. Because I understand that being out there in the world, Google's a forum that many owners like to use, and I think that what we're finding collectively, and not just myself, but other managers that I've spoken to, is that most people sometimes when they're upset about something, they'll put a negative review, even though it could be relating to levy arrears, we've had one where someone wasn't happy with the cost of a key, we've had a tenant that wanted an NBN connected and it took a while because of the issue relating to access to the MDF room, which we couldn't get because if you remember, they had the key was away, et cetera.

And I think what happens, humans are wide to focus on the negative, that's our inherent genetic makeup, so someone could do 10 good things, but the one bad thing that they do is really front and foremost in your mind, and what's happened now, I think, is that some managers have had to really ask their clients to put a good review, even though people don't normally do that. So you might notice some people have it on their email footers, some people have actually told me, "Well Reena, when someone does a negative review then you need to go out to your clients and ask the ones that are happy with you to at least counteract that."

Yes, and so I just thought I'd just put that out as a challenge. I think for many strata management companies, I spoke to one of my colleagues yesterday and there was a lady who didn't get her levy notice, and then she put a negative review on the strata manager's website because she was obviously charged interest and an arrears fee and then was quite upset about that, because she'd always paid her levies on time, apparently, and then the committee said, "Well, that's not really our issue if that's the case." It happens to all of us, and on this occasion, they didn't want to waive the interest or the arrears fee.

So yes, I just raise that as a challenge, I think in this day of Google and social media, and the impact it has on people, and sometimes that could be an unfair impact when the people that are upset outweigh all the people that are happy, and if there's an issue there's a way I'd think of approaching it, and it's dealing with the company directly or with the principal. I think trying to tarnish someone's reputation publicly sometimes can be a spiteful way of dealing with an issue.

Amanda Farmer: Yes, definitely. It is such a hard situation for you as strata managers because you wear a lot of different hats the role that you play is often misunderstood, expectations are not necessarily in line with reality, we've been talking about that a lot lately on the podcast and on our live chats, and when the building makes a decision that might be unpopular, it often comes home

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to you and you bear the blame for that. Look, I have assisted strata managers in situations where there have been defamatory comments made about them, quite obviously defamatory comments made in public forums, and you're absolutely right, the guidance that I tend to give at the end of the day is look, the best way to combat a bad rap is with a good rap, especially when we're talking about social media and online reviews, and that space generally.

So I think it is a great idea that strata managers are encouraging their clients to give those good reviews if they are happy, and just that act of checking in with a client, saying, "Hey, are you happy?" And having that conversation about the way the service is being received is a great thing to do, it's something perhaps businesses weren't doing as much years ago and now are being forced to for this reason.

And I once heard, I don't know where I heard it, but it's probably a well-known saying now, that we should write the good and tell the bad, and that's to your point, Reena, that if you've got a problem, pick up the phone and have a conversation with your strata manager about it, because there's bound to be layers to this issue, there's bound to be nuances, there's bound to be background information that you don't know, and having a conversation is often the best place to start, if not a conversation then a short email seeking further information or asking why perhaps this might have happened. Jumping straight on to an online forum, whether that's Facebook, whether that's Google, should never be your first step if you're an angry customer, gathering some more information is always the best next step.

A couple of weeks ago on our Friday live chat there was quite a heated, let's say, popular, maybe controversial discussion arising from the podcast episode that I published with strata manager Peter Wilson, that was episode number 327, and as part of the wrap up that week when we were discussing the episode on Friday live, I encouraged viewers to share their good experiences they'd had with their strata manager because Peter in that episode was talking about some bad experiences, our chat on Friday brought out some more people talking about their bad experiences. And I encouraged listeners and viewers that if you've had a good experience, then share that, give your strata manager a good Google review, send them an email, say thank you, share with your friends, your family, "Hey, I'm getting a great experience from my strata management company, maybe you guys need to check out that company and think about a move."

And in the course of that discussion, one of the viewers posted, "Amanda, can we name and shame strata managers?" And I think the question I was being asked is, oh Amanda, well if it's okay for us to applaud strata managers that we enjoy working with and to give them a good rap, can we also name and shame them if they're doing the wrong thing? And my immediate answer to that in writing was no, no you can't. And it wasn't the form to go into the details, but the details are you can't do that because it may well be defamatory, and you put yourself in a very dangerous situation when you do that in a public forum. And that is not the case when you are reporting your strata manager when you're thanking them when you're saying that they've done great work.

And that is the nature of our law, we are innocent until we are proven guilty, that's how our system operates. That's not to say that in the worst cases some public attention to very bad behaviour is not a good thing and is not necessary in the worst cases, and proven worst cases and that good strata managers shouldn't call out the bad strata managers, but we have to be very careful about how and when we're doing that, we have to be aware of what we know, what we don't know, and very conscious that as a matter of law we are innocent until proven guilty.

Reena Van Aalst: Amanda, I'm really glad that you raised that episode because some of the items that Peter did mention I think perhaps weren't accurate. One of the items that came to mind was the submission of a tax return. So in terms of lodging a tax return there is a non lodgement advice that has to be lodged with the ATO, and I think perhaps the way that certain things were articulated about the conduct of strata managers in terms of disbursements, charging, and the thing that really I think came to my mind was the fact that by-laws were not registered for works that required a by-law because of the cost. That was something that he mentioned at the end of his interview with you, and I think that any strata manager that accepts that this practice is acceptable because of the cost when I would say that the cost of the renovation would be in multiples of that amount, shows that there's no

value in adhering with the law.

And I did find that quite shocking, to be honest, that a strata manager would advocate such a recommendation and talk about statutory fees. I mean, all government authorities need to cover costs, and I think sometimes people don't understand the amount of work that goes into doing something. This is often, as many owners don't understand, in terms of when we're doing our administration work, and all of the back-end of the office, I would like to perhaps refer to a strata manager that you and I know quite well, Amanda, Sean O'Dea, who was actually a client of mine and a chairperson, and was very knowledgeable and was very involved, and now that he's a strata manager he actually knows how much work went into our management of his scheme, and he understands that perhaps the amount of time that he spent with me and ringing me in a sense was quite, not excessive, but it was quite involved. And that now that he's a strata manager he knows the workload and all the back-end that an average lot owner doesn't understand in terms of the service delivery outcomes that we're providing to owners.

Amanda Farmer: Yes. Look, I think sometimes it takes the airing of an extreme view to start an important conversation, and I like to think that that's where we've got to with Peter's comments, Peter's episode and the conversation that followed that, and it did continue in that week on Friday live, we will put a link to that video in the show notes for anyone who wants to catch that replay via Facebook or via YouTube. And what stood out to me in that conversation was that the view of owners, and you've articulated it beautifully using Sean as an example, the view of owners is just at the polar opposite to the view and the actual experience and the actual role of strata managers. And I identified that by Friday as a gap that I'm calling for us, all of us in the sector, to do our best to narrow, because I am at the coalface with you, Reena, with strata managers like you, working closely with you most days. I'm also there at the coalface with owners, and I can see both sides.

Reena Van Aalst: Amanda, as strata managers we also see both sides because when we're taking on a strata scheme from another company, we can see the standard of record keeping, we can see the standard of minutes and agendas, we can see the financials. I mean, I'll give you an example, a few weeks ago we took on a scheme very close to our office, and the scheme had an outstanding debt of 9,100 on their balance sheet. It's only a seven-lot scheme, it doesn't have very much money in its trust account, so this amount has been outstanding. All the records were giving to me in paper form, so I had to basically get my team to scan it all and save it. But the issue was I kept on writing to the principal, I was writing to the accounts department, I rang them, I said, "It's been the balance sheet since 2015," this particular outstanding debt, and the thing is I've got no answer, and I still don't have an answer.

And so I totally agree that we all see the good and the bad, but I think there is a way to deal with that, as you said, and sometimes we do need to call out the bad players in the industry because they are giving managers and the profession an overall negative image and perception. And I think most people when they think of their strata manager, don't see them perhaps in a positive light, partly perhaps the reality is that they are overloaded and they don't know that as a client, the other part is that perhaps they're incompetent. I mean, there's two ends of the spectrum, and unfortunately, I think in that episode some of the negative things were more to the core of, I wouldn't say corruption, but it was-

Amanda Farmer: The worst of the worst.

Reena Van Aalst: Yes, exactly, there's an intentional aim to rip people off and to do things that were not necessary, and I'm not saying that may not happen, but I think in the scheme of things, people doing that, or trying to "rip off people," in a better comment, I think would be in the very minority of managers.

Amanda Farmer: And when we talk about the good calling out the bad, and owners who are having poor experiences, to be able to record that experience in a way that is legal, I suppose what Reena and I are talking about is going to an entity like SCA, Strata Community Association, which gives most strata managers, if they are members of SCA, their professional accreditation, and has a system in place to investigate and to ensure that their members are operating to that high professional standard. So I want to make sure that as well as having this important conversation, we are giving people, whether you're a strata manager wanting to call out a bad actor, or an owner having a bad experience, give you a path to go to. And Reena, you tell me if I'm wrong, but I would

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think if your manager is a member of SCA, then that is the path you should be taking to report that action, or inaction, or activity to SCA as a first step, not to be posting on a Google review or a Facebook page.

Reena Van Aalst: You're spot on, Amanda, because recently I did meet with the general manager of SCA, and I did outline some of my concerns to him about some of the managers' schemes that I've taken carriage of, and some of the items that had happened and the conduct that I'd seen, and he said to me, "Reena, please report that management company to SCA," which is an avenue I hadn't thought about, even though I probably should have thought about it, but I think now this is a good forum, Amanda, publicly to remind other management companies that if there is an issue or an owner, there is another way, if they are a member of SCA, to try and deal with it and seek resolution.

Amanda Farmer: Excellent, and we will put a link to the relevant part of the SCAs website in the show notes for this episode for anyone who wants to investigate that avenue further. Now Reena, usually I share my challenge for the week also, but we've actually really dived into what I wanted to raise, which was to ask you your views on my chat with Peter Wilson and some of the conversations that's happened since then, so I think that is well covered. If you don't mind we can shift into your win for this week.

Reena Van Aalst: Yes, so my win, Amanda, is an NCAT application that had been submitted by an owner who, this is probably I think his second or third one actually, and each time, well the first time he withdrew it because he was told that he had to prove his assertions and allegations, and unfortunately he seemed to not be able to do that. On the second occasion, it related to an exclusive use area where the owners corporation had to undertake remedial works, there has been dampness in the ground floor apartments for quite some years now, and basically many types of remedial protocols were investigated and it was then decided that we would actually install a damp course to try and get the water away from the building. It's a 1920s building, it's been renovated and it's been rendered, et cetera.

Anyway, and so of course we had to take out some trees that were along the boundary of the area that required excavation. And the owners corporation didn't end up doing that, he took them out himself before we even had a chance to undertake that work. The trees were quiet there were larger trees, and unfortunately, the owners corporation, when it had to then reinstate the area, could only find trees that were of a younger and very much thinner appearance, and of course he wasn't happy with that and ended up going to the Tribunal. And the corporation was successful, the only thing that our engineer had advised, usually they put four trees, but he wanted six trees, and the Tribunal had recommended that we reinstall six trees as opposed to four.

But the amount of money that was actually expended in legal fees, and our fees, and time, appearing at the Tribunal, all the back and forth communications, it just shows, back to the point that I think we made in another episode, when the owners corporation can reinstate common property, or property of an owner when it's undertaking its statutory obligation, and it can't be dictated to as to how it does that. So we tried our best as an owners corporation to buy the trees the same species, but we couldn't buy them at the same height and fullness that obviously had been the case when he'd bought them so many years ago and they had been planted.

So we were very happy that the Tribunal found in the owners corporation's favour, that it also agreed with the various cases that we had outlined in our submission, and it was just one of those things that in a sense reinforces the Tribunal's powers and the act in terms of restitution of damage to lot owner or common property.

Amanda Farmer: Good result, were there lawyers involved in that case?

Reena Van Aalst: Well, we didn't get leave to have lawyers because it was only about four trees.

Amanda Farmer: It's always only about something.

Reena Van Aalst: Exactly.

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Amanda Farmer: Until the months pass, and then the three day hearing is set.

Reena Van Aalst: Exactly. But we did engage lawyers to prepare our submission. I did an outline of the events, and I engaged the engineer and got a report. Unfortunately one of the community members who was involved and saw some things, he was actually overseas so he wasn't able to assist with the submission, but he was present at the hearing. but unfortunately, Amanda, our lawyer then got COVID, so then we had to get another lawyer, and so that had to start all over again. But then yes, so it was one of those things that became bigger than what it needed to be because of COVID and its impact on that case.

Amanda Farmer: Well, well done on getting that one resolved for both sides, another example of the weird and wacky wonderful wild world of strata manager.

Reena Van Aalst: Exactly, trees.

Amanda Farmer: Trees, yes. My win for this week, I'm sharing the experience of one of our members in our community, her name is Melissa. We had a call together a couple of weeks ago, and that's one of the benefits that our members enjoy, they have access to a one-hour one-on-one online call with me. And in that call Melissa was quite concerned about getting her bathroom renovation approved, and she had a general meeting coming up the next week, she had a motion on the agenda, a good, strong by-law that had been put together for her, not by me, and she was seeking my views on, "Amanda, how do I encourage the owners to pass this by-law and to support my renovation? I'm a little bit concerned because there's been a lot of building work going on around the building lately, and some owners might be concerned about the noise that's going to be happening."

And as well as giving Melissa some guidance on what she might do if the by-law failed, and there were no good reasons for that failure, we discussed some practical things that Melissa could do at the meeting to encourage owners to vote in favour of her by-law. And that discussion included explaining to owners that where an owner renovates their bathroom, or part of their lot, bathrooms are always a good example because they're popular and they deal with waterproof membranes and tiling, the owner of the lot then becomes responsible for that renovation, and for the common property that might be affected by that renovation. So Melissa's going to lay a nice new waterproof membrane, nice new tiles. Under the by-law, she's responsible for the future repair and maintenance of those items, and that means the owners corporation is not responsible for that bathroom anymore. And I say anymore because otherwise, an owner's corporation is responsible for original waterproof membranes original tiling.

And in a small building where perhaps there have only been a couple of renovations done over time, 20 years plus passes, it can get quite expensive when waterproof membranes start failing and we're having to go in and fix problems with original bathrooms. Where owners have renovated their bathroom, they've got a good by-law in place that has shifted responsibility over to them for the components of that renovation, then the owner is responsible should anything go wrong down the track, should that membrane fail. And I said, "Melissa, that's a great selling point to your fellow owners to say, look I'm taking this bathroom off your hands, and the more of us that do this, then the less bathrooms that our owners corporation has to worry about." And I think her building was about 20 years old, so this was a relevant concern, and happily, she reported to me the week after that the by-law had been made, the motion had passed, and she will be moving ahead shortly with her bathroom renovation.

Amanda Farmer: So I thought I'd bring that to the podcast, it's not a way that I always think about by-laws, or encourage clients or others in my community to campaign in favour of their by-laws, but I thought, if I do say so myself, that's a pretty good angle.

Reena Van Aalst: I love that, Amanda. I mean, to me it's really a no-brainer. I can't understand why any strata scheme would not approve a by-law that's actually going to save them money in the future, and I've got at the moment quite a few of them happening all at once. And it's lucky, I think, for someone is when one person's applying and then I say, "We'll get a by-law," then another one's applying and I'll said, "We can share the cost between the two." And we try and do them by, for most people, the most cost-effective way is to have pre-meeting electronic voting, because obviously there's no time factor, but then again, sometimes that can be counterproductive if people have the view that, you were mentioning, perhaps, some people may not want to approve it.

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Reena Van Aalst: But the other, I think, side to this matter, and I think in some buildings now, a lot of people have undertaken bathroom renovations without any proper by-laws or consent historically, and then you find they're coming now and asking when there's been waterproofing issues in their bathroom. And luckily we know, for some schemes that have been around since the 60s, and we know what the original bathrooms looked like, that that's not an original bathroom, and we know that we can say wholeheartedly that this is your responsibility.

But it's a really good way and manner that you've suggested in trying to get people to think about when someone's trying to do work, it's going to actually benefit the owners corporation, and it also, I think, for the building collectively, the more people that renovate, I think the better it adds value overall, even if it's not your apartment, I think in terms of like, let's say when I'm being asked to quote for a strata scheme the first thing I do is I put the address in, have a look at the building, and then you see what's been out for sale. And so the more apartments you see that look nice and renovated you think oh wow, this building, people are renovating, it actually does even add to the overall benefit of the building, even if it's not your own, not common property, or it's not the foyer, but I think in terms of value I think it shows that people in this building are renovating and they are wanting to improve the building and improve their apartments.

Amanda Farmer: And looking at average sale prices across the building and looking at those being, doing what we can to make sure that those are nice and high definitely increases the value of everybody's investment.

Reena Van Aalst: Exactly.

Amanda Farmer: Excellent. And I just wanted to sneak in another win before we wrap up, we have a review over on Apple Podcast for this podcast, Reena, I wanted to share it here with everybody. That's a promise that I made a while back that if you pop over to wherever you listen to this podcast, whether it's on Apple Podcast or on Spotify and give us a review, we generally like five stars, having talked about reviews, then we would love for you to do that. The more great reviews we have, then the more people we can reach with this important information about how we can improve strata living.

So this review, I don't have a name, I have a series of letters which I'm not going to bother to read out, but I think this person was happy to remain anonymous. They will know who they are. They say that the podcast is, "Practical and relevant, working as a strata manager since 2004 I have experienced a vast array of different challenges. I have to say that Amanda does a fantastic job in providing relevant and practical explanations on the many varying topics in strata and community living, This podcast is certainly one of my main sources I go to and do recommend." So thank you very much to the strata manager who has given us that review, it is most welcome and we are happy to help. I think this episode's been a good one, Reena we've covered a lot of ground.

Reena Van Aalst: Yes, on that point of your nice recommendation and review in Apple Podcast, I've had several managers come to me and say, "Reena, we're really happy that you're on the podcast with Amanda because you share many of the experiences and challenges that strata managers deal with, and a lot of the cases and a lot of challenges that we've come across and we didn't know how to deal with it, and you've given us insight and advice on how to deal with them," so yes, I think it's great.

Amanda Farmer: And just keep Amanda in line, is that what they say to you? "We're so glad you there, Reena, to keep Amanda in line."

Reena Van Aalst: Well it's funny because another strata manager, Amanda, who I don't really know, but the building came to me from him because there was some changes in his office and he decided not to reengage and manage a particular strata scheme, recommended me to a lady who rang me yesterday actually and said that, "We've been told that you have this podcast and you work with a very strong female lawyer."

Amanda Farmer: That's it.

Reena Van Aalst: Exactly, so I thought, wow, strong female lawyer.

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Amanda Farmer: Yes, I do my Pilates every day, I'm strong, you should see these biceps. All right, I'll let you go. We could laugh all day, everybody.

Reena Van Aalst: Exactly.

Amanda Farmer: Thank you Reena Van Aalst, I'll catch you next time.

Reena Van Aalst: Okay, bye Amanda.

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 comment section, which Amanda will answer in her upcoming episodes. How can Amanda help you today?