

**Publication Date: 24 July 2025**

## **YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

Listen to this podcast episode [here](#).

**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 today I have Reena Van Aalst from Strata Central here with me. Hi, Reena!

**Reena Van Aalst:** How are you, Amanda?

**Amanda Farmer:** I'm doing really well. I am still sitting on top of my heater in this cold weather. We're recording this in the morning, and as some of you know, I live in a regional location. It is often below freezing in the morning. It takes me a little while to heat up. I take the dogs for a walk, come back with numb extremities and then sit on top of the heater for an hour or so. So that's what I'm doing.

**Reena Van Aalst:** It's funny because I went down. I mean, it's school holidays, Amanda, in South Wales, while we're recording. And when you go down to the coffee shops in the morning, there's just no one around at 7:30. So, yes

**Amanda Farmer:** That's about to change.

**Reena Van Aalst:** Exactly.

**Amanda Farmer:** We'll all be back to normal scheduling very soon. It hasn't stopped those challenges, and hopefully, some wins coming through the door for you, Reena Van Aalst. That's what we're here to talk about, our wins and challenges in strata. Let's start with your challenge for this week.

**Reena Van Aalst:** Yes. So I had a meeting about early June, Amanda, and it was a strata scheme that was more than 100 lots, which was not really relevant to this particular issue, but it was the fact that it was an owner wanting to attend a strata committee meeting, which we know they're entitled to do.

And the issue was that he said, "I want my wife to attend." And I said, "Well, no, she's not the owner. You're most welcome to come, but she can't." And he was then trying to argue with me that because she was his wife and he was authorising her, that she was allowed. And I said, "Well, no, there's no power of attorney. Like she's not you in law. She's not. And not a general meeting where you can appoint a proxy.

Anyway, so she turns up and thank God it was on Zoom because she turns up to the meeting and then I have to ask her to leave, and she doesn't leave. And then I end up ejecting her from the meeting. Unfortunately, I had to do that. So I suppose, I think, I'm not sure if any other managers have had this issue happening.

Now, on the most part, when an owner attends a strata committee meeting, it's usually if they have an issue with their own apartment or their own application for renovations or some reason, they may come and be able to speak to the meeting to support their position.

But there was nothing at all in relation to their personal application. There was no, you know, nothing to do with them per se. So I was just wondering, Amanda, in your experience, have you had many of these types of issues where not the owner, but, you know, the daughter or the son or the wife or someone who's actually not on title tries to attend a meeting and any repercussions that have arisen out of that for you?

YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win

**Amanda Farmer:** Yes, it has definitely come up. It's come up in a couple of committees where I actually sit on the committee. And that committee has benefited from having my knowledge, where I've been able to put my hand up and say, hang on a sec, this person is not the owner. They're not entitled to be present. And the one example I'm thinking of is where it was an owner's father who wanted to be present at the committee meeting.

And for quite some time, the committee didn't really think much of that and allowed him to attend. And I think that was because he was very often the proxy holder at a general meeting. So it was kind of very normal for the committee to see him at meetings or him to be casting votes on behalf of his son. And of course, perfectly legal, if he's holding a valid proxy at a general meeting, to be doing that.

But then he turned up to committee meetings, and until I called it out and let the committee know what the rules are, the committee accepted that. And what started to happen, I think in this situation, there was some litigation that this owner was involved in, had commenced actually against the owners corporation. So the father at the committee meetings started to get a little bit, how shall I put it?

A bit accusatory. Had an agenda that they wanted to push, they had certain things relevant to litigation that they wanted to raise. And so it became quite helpful for the committee to understand. Well, hang on a sec, he shouldn't even be here in the first place. If the owner wants to be here. Yes, as you've said, Reena, in New South Wales, our owners are entitled to attend committee meetings. They can tune in, they can sit in, they can listen, they can't speak to the meeting unless the committee allows them to.

**Reena Van Aalst:** That's right.

**Amanda Farmer:** But, yes, that right, I agree with you, does not extend to a family member or someone who is otherwise point of contact or a usual proxy holder at a general meeting.

**Reena Van Aalst:** Yes, so this wasn't actually in our case, they submitted an NCAT application. They hadn't gone to mediation. So when we got it, we went and said, "Well, there's been no mediation." And that was then withdrawn, and they then resubmitted an application for mediation. So, yes. So normally you're right, Amanda. The people that are turning up to these meetings where there's no issue to do with either a repair or a renovation type issue, usually have other reasons for turning up when they really shouldn't be there.

Even if the matter is going to be relating to an application they've submitted, such as NCAT, they shouldn't be there anyway to be listening to any of the actual goings on for the committee, anyway. And now that extends to committee members as well who have any direct interest in the matter.

**Amanda Farmer:** And this is where having this knowledge of the technicalities can really come in handy because you can put an end to that interference, where it is someone who is just turning up to a community meeting to cause trouble.

It's not really the owner who has a beef, it's their parent or their sibling or their child or their lawyer. Perhaps you can stop them from turning up to committee meetings. It is very different from general meetings where a proxy holder can attend. Now, here's the thing. You may have experienced this, Reena, where you're having committee meetings by Zoom, and there may be a husband and wife in the same location, living in the unit.

And the husband is the owner, the wife is not. You've said, wife can't attend. She's sitting there, she's in the background, she's on the couch off camera and is tuning in anyway. I mean, there's really nothing you can do about that.

**Reena Van Aalst:** No. And that's the unfortunate thing as well when it comes to the abuse of technology. And the other thing also, Amanda, one of my colleagues, had a recent meeting at AGM a few weeks ago, and I'm not sure if any of our listeners have had this happen, but in this particular AGM, everyone on Zoom had no camera.

**Publication Date: 24 July 2025**

## **YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

They all had their cameras turned off. Now, I don't know how. I mean, I sort of take my hat off to her that she was able to deal with it, because when you can't, it's hard enough, I think, as a manager or any person that's trying to moderate or chair a meeting with a number of people on Zoom or Teams, let alone having people present where you can't even see their faces.

And you can't sort of like. Because a lot of our intuition comes from body language, and things like that, which sometimes tells people more than what the words are coming out of their mouth. Even when people are silent and they've got like an angry look on their face, well, you know, that they're not happy. So with what's going on. But I think. Yes, I was just wanting.

I know this is not directly related to this particular issue that you just mentioned, but you were saying about they can be in the background, but we're having their experiences, which is a new thing where not one person has the camera on. And I'm thinking, how do you navigate that sort of meeting?

**Amanda Farmer:** And cameras breed cameras, right? So one person has their camera on, someone else feels like they should. Everyone has their camera off. Somebody feels uncomfortable putting their camera on and being the only one together with the manager, perhaps, who has their camera on.

So it's a really good point, and I'm sure it's not uncommon. I wonder if your colleague, if she's chairing the meeting, as the chair, could say, you know, could invite, first of all, invite. "I invite everyone to turn their cameras on. If you're in a position where you can turn your camera on, I'd love to see your faces. I'm sure that your fellow owners would love to see you as well."

And if we have a look at, as well, the new provisions in section 42 of our New South Wales legislation. Section 42 is about the functions of the chairperson, and we've always said these functions are very limited. Chairs often think that they're all powerful. They are not. They have very limited functions to run meetings. Essentially, that list of functions in section 42, as part of the recent reform here in New South Wales, that list has become a little bit longer, and there's a few more things that the legislation now confirms a chair should be doing.

And that includes to facilitate the fair, constructive and open discussion of matters at meetings. Now, I wonder if by saying, "I'd really love for everybody's cameras to be on. If you have access to a camera, please do turn it on." I think as a chair, you can say, "Look, I'm for fulfilling my function of facilitating the fair, constructive and open discussion of these matters because being able to see each other helps us have a more open conversation."

**Reena Van Aalst:** Exactly.

**Amanda Farmer:** Section 42 could be your friend in that situation now.

**Reena Van Aalst:** I mean, if I was training, I just turn off my camera and say, "Well, you know."

**Amanda Farmer:** Oh, if you're the manager, yes, everyone's off camera. It's an audio meeting.

**Reena Van Aalst:** Yes, exactly. It becomes an audio, I mean, and then you're on the same playing field. And also, too, because, I mean, one of the advantages of the electronic platform, Amanda, is that you can share documents so people don't have something or even like the other day I had a meeting and I was able to share, you know, on the screen the financials again.

And I was able just to pinpoint certain parts of the financials that I was trying to articulate about expenditure and budgeting, and where work that hadn't been done. Whereas it was so much easier to be able to share my screen, show all the members present. You know, I sort of highlight. Use my mouse to highlight around that area. So it's a platform that enables a bit better explanation of issues with a visual section rather than saying, "Turn to page 55 of your agenda and look halfway down," and you know, "Where's that?"

**Publication Date: 24 July 2025**

## **YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

And, you know, like, so people, again, not everyone, as I've said before, not everyone's on the same intellectual level when it comes to comprehension and financials. So again, you try and make it easier for people to understand. So, yes, I think, I mean, if I was, I would just turn off my camera too.

But, yes, but it's interesting having, you're right, people can attend these meetings. And we had that actually happen. Two owners were at a meeting, and we actually had to kick someone out of a meeting because I was being so rude in the meeting. I said, "You have to leave next minute." That person went to someone else's apartment, and they were sitting in the background of a night.

**Amanda Farmer:** Yes, but look, I think if that happens, and my example of, you know, the wife is not permitted to be present at a committee meeting if she's not an owner and she's there in the background, the chair having to be on top of that and being tough.

If the wife does start to interject or the non-owner does start to interject, to be saying, "Excuse me, no, as I've explained to you, you are not an owner, you're not entitled to be at this meeting. I acknowledge that you're there in your home, but you're not entitled to be at this meeting, and there is certainly no permission for you to speak at this meeting. So I'm going to have to stop you there." So, you know, just that's where a strata manager, I think, really shows their skill. Being able to know what the law is and then being able to confidently conduct a meeting.

**Reena Van Aalst:** Exercise.

**Amanda Farmer:** Yes. And hold their ground is important. Thanks for sharing that one, Reena. I'm sure many others listening can relate. The challenge that I'm bringing to the table today. And we touched on this briefly, Reena, during our last chat. I'm coming back to it because I've had a few messages both on social media in my inbox about this one, and I think it is confusing our managers, and I don't blame you. This is confusing.

This is one of the changes to our New South Wales legislation that started on the 1st of July. Seems like a simple one, as they often do. And it's not until you're in the thick of it that you realise, hang on, there's a little bit more to this. I'm coming back to the fees for our records inspections. Reena, we talked about this in our last chat. The fees have increased for non-owners who are making an application to inspect the owners corporation's books and records.

Now \$60 for those non-owners and just \$31 if you are an owner making an application to inspect records. I'm referring to section 182 for those who know the New South Wales legislation. But here's the other thing that I was alerted to by. I'm going to give him a shout-out. Tim Sara at Strata Choice alerted me to this. There's another change. The \$31 that we are charging for the first hour for an owner to inspect books and records is now GST inclusive.

**Reena Van Aalst:** Yes.

**Amanda Farmer:** Whereas until the first of July. And you tell me if I'm wrong, Reena, it has been GST exclusive. We've been charging GST on top of that \$31.

**Reena Van Aalst:** Can we tell everyone what it was? \$3 and 10 cents. For those who can't wait.

**Amanda Farmer:** \$3 and 10 cents. 10% on top of our \$31.

**Reena Van Aalst:** Exactly.

**Amanda Farmer:** And this has always been set out in Schedule 4 to the Strata Schemes Management Regulation. I want to tell you that because a manager popped into my inbox recently and said, "Amanda, I've seen your post on LinkedIn about this. I can't find where it says including GST. Can you point me to it?"

## YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win

It is there. It is in Schedule 4 to the Strata Schemes Management Regulation. And what I noticed in going back to this again for the umpteenth time, was that the GST inclusive, those words, inclusive of GST, are only there for that section 182 records inspection.

So the fees are set out for records inspections, also fees for section 184 certificates. So, where there is a purchaser who is buying into the building, they can request a section 184 certificate. They have to pay for that to get details of what the levies are and what any amounts are that are outstanding on the lot. There's a statutory fee for that. That fee is listed in Schedule 4.

But the inclusive of GST wording is only on the section 182 records inspection. If you're charging for a section 184 certificate, that doesn't say inclusive of GST, so that's still add GST on top. I mean, who writes this stuff? Is there logic here, or why does it happen?

**Reena Van Aalst:** Yes, I just think also too, I mean, the problem with all these changes, it just adds so much more administrative burden on managers if they don't get it right, Amanda. When someone's doing a search, you know, that manager said it was inclusive, the other company says it's exclusive. It just. And we're talking about such a nominal amount, I mean, why would you have even changed it? It just made no sense whatsoever to have even changed it, because it just, you know, means that you've got to unlearn what, you know, learn something new.

**Amanda Farmer:** Change all of your systems.

**Reena Van Aalst:** Exactly!

**Amanda Farmer:** Your automated systems. And how do you change your system so that it is inclusive of GST for your records inspection, but it's not for your section 184 certificate? I mean, that's hard for you guys?

**Reena Van Aalst:** Yes, I mean, you got to go in and it's all manual processing and someone's got to do it. This is the issue. And I think, now because of technology and the volume of communications or email, the amount of stuff now that is being, put into next meeting files, it's being, you've really got to be able to make sure that something isn't there that should be there.

So I think the fee hasn't changed. Well, it's changed. I mean I don't know why non owners have to pay a lot more when I mean I know that the theories are that owners should have access to records at a cheaper rate but the work to do that is the same whether it's an owner or a person acting on behalf of a prospective purchaser or a lawyer coming in to do a search for their client.

**Amanda Farmer:** Yes. Look, as we said in our last chat, I think there's room for strata managers to be charging additional services fees for having to organise these inspections and having to then answer follow-up questions and things like that. I mean this statutory fee is payable to the owners corporation. It absolutely doesn't cover the time that you guys are putting in, the value of your time. But yes, when I put a post on our Facebook page, it was first of all about this new requirement and the \$31 now including GST.

What I first heard back from some managers was, "Oh, Amanda, that's not right. It's now \$60." So. No, it's \$60 for non-owners, as you've just said. Reena.. Still \$31 for owners. But you know, managers are having trouble getting their head around that. You know that we've now got two different fees for records inspections with two different people. And then the inclusive or exclusive GST point, you know, that's only just landing now.

We're weeks down the track of the legislation starting, and suddenly managers are going, "Oh! Hang on a sec, I need to stop charging \$34,10. I need to charge \$31 all-inclusive." So I don't know why our lawmakers do this to you guys. I think it's silly. Tell me what we're overlooking, listeners. If there's some reason why a records inspection fee must now be expressly inclusive of GST and not a section 184. Just seems silly to me.

**Publication Date: 24 July 2025**

## **YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

**Reena Van Aalst:** Yes. And I think also, Amanda, it's just, it's unnecessarily burdensome when it's.. If that fee had changed to a new fee, you understand, but if it's the same, but now it's inclusive and exclusive, it's just ridiculous. And it's just exactly time wasting and causing confusion with managers, and as a result of that, consequentially affecting owners as well.

**Amanda Farmer:** Yes. Well, feel free to reach out. I bring these topics to the podcast because you do managers, let me know what you're struggling with, and I do hear back from you with your questions and your confusion. So don't hesitate to get in touch. Post a comment under this episode on the website if you've got something to add on that topic. Hopefully, you got a win for me now, Reena Van Aalst, share it.

**Reena Van Aalst:** Yes, well, this is unusual because we actually manage a scheme of about 14 apartments, and they had to raise money for a loan because like this water penetration, water ingress, huge balconies, years and years of people complaining, etc., etc. And anyway, so we arranged the normal couple of different proposals for loans, and the committee said, "Let's put forward this one that had. It was just the cheapest rate." I mean, nothing more to it than that.

Anyway, we put it forward, but in the proposal, this company has said that they do hybrid loans, and the committee didn't think that anyone would want to have a hybrid loan because it's only 1.5 million. There's 14 departments. We came to the meeting, Amanda. And there's a big oh hoo ha. Like 5 owners out of 14 wanted the hybrid line. And, and I'm thinking like, "God, we didn't see it coming." So now obviously went back to, you know, the loan provider and said that we need different motions and different proposals.

So, and then that was then subsequently approved at a meeting. But I just wanted to sort of put it out there as a win because normally people say, "Oh, you know, people can't afford to, you know, pay this and pay that." And I totally accept that. Obviously, everyone's situation is different. And so I think when you live communally, you're contributing to something perhaps that where your apartment is not affected at all.

Like, you know, not every apartment needs, is part of this remediation program. And yet, you know, five owners out of 14 were saying, "No, want to pay up front their share out of 1.5 million." So I think that is a win because it just shows sometimes that people think, well, we don't want to pay the interest. We want our building to be maintained. Like, maybe, I'm not sure if they've got access to other funds or they've got money. I mean, I don't go into that area, but it's just, I think an indication that there are people that are prepared to put up money where it's needed at a significant amount.

**Amanda Farmer:** Yes.

**Reena Van Aalst:** And it's really not in Sydney. So as long as it's like in a rich area or an affluent area. So.

**Amanda Farmer:** Yes, right. So for any of our listeners who aren't up to speed on the hybrid loan, that is a strata loan where owners can either opt in to be part of the loan for the next 10, 20 years, however long the life of the loan is, and pay the principal and interest back over time, or they can choose to pay out their share upfront. And that's a question that loan providers for years and years have been asked, "How do we do that? Can we do that?"

And until now, until the advent of these hybrid loans, which are structured in a fairly creative way, it hasn't been possible for owners who want to opt out of the loan and pay their share upfront to do that. But now it is possible. And I'm seeing it too, Reena, more and more buildings and owners going down that path. I've been involved in a building, actually, where I had a similar experience.

I was a bit surprised. It's a bit building of about 40 lots, and the remedial work that was a couple of million dollars of remedial work was completed. And so the time came then for owners to decide whether they wanted to pay out their share of the loan or they wanted to remain part of the loan for the next 10 years. And to my surprise, I think it was more than half. I think it was about 22, 23 lots out of that, 40 lots said, "Yes, we want to pay out our share," and over \$2 million loan for 40 lots. That's not an insignificant amount.

**Publication Date: 24 July 2025**

## **YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

**Reena Van Aalst:** Yes.

**Amanda Farmer:** But I think the interest rates. I think the interest rates play a big part here on these strata loans. We're usually looking at about nine, nine and a half percent.

**Reena Van Aalst:** Yes, come down now. They're down now to 8.75.

**Amanda Farmer:** Oh, that's a good one. There you go. You're 8.75. Yes, ring up your loan provider, get that rate. Whereas the mortgage interest rate is, you know, around that 5 or 6%. And if people can get access to funds and they can borrow, if they've got some equity and they can borrow at that rate, then they want to do that, instead.

But you know, where you have these hybrid loans and you have a majority of owners who opt to pay out early like that, what that means is the balance of the loan remaining is then a lot smaller. And so for those owners who are staying in as part of the loan for the next 10 years, the interest is going to be less, there's less principal, less interest. So that's a win-win.

**Reena Van Aalst:** For everybody.

**Amanda Farmer:** For everybody, which is great. But I've just seen that play out in this building that I've been involved in. So, yes. Look, I think it's a great product. It's something that. Oh, you know, now that you raised this, Reena, it was only two weeks ago I had a client who I had recommended a hybrid loan, or let's, you know, not recommended, of course, I don't give financial advice, but I'd let her know about the existence of hybrid loans and I've said, "Look, these are the loan providers who do it. Have a chat to them."

She mentioned it to her strata manager, and then she flicked me back an email and said, "Amanda, can you just have a look at the below email from my strata manager?" And the strata manager had said, "No, we can't do hybrid loans, they're not legal."

**Reena Van Aalst:** Yes, well, I think there's been actually.. well, I mean, I think there is a loan provider that has said that. I think in terms of the Act and how you can levy people, yes, so there's been some legal advice that has.. That's never been provided. Because I actually remember, I actually did ask, "So, can we have a copy of that legal advice that you received?"

Because if you're saying we can't have it, can you give us that advice haven't been received. But just so that perhaps maybe some of your listeners might understand, it is quite an administrative burden for the managing agent in terms of all the finance, the accounting side of it. So there's a cost there that it's still nothing compared to the interest rate.

And if you look at the interest rate and the cost of the administration part of the loan and all the bookkeeping section of it is quite onerous, but it's still going to be nothing compared to the, the amount of interest that you'd be saving, Amanda, by going down the path.

**Amanda Farmer:** Yes, and hopefully over time, you know, I'm sure that feedback is being given to these hybrid loan providers by the strata managers.

So you're saying, "Look, guys, you know, we know our clients love the product. We don't really like recommending it or maybe even letting people know that it's legal because we don't want to do all of this extra admin. It's a headache for us as a strata manager. So, yes, if you can't get the managers on site, it's going to be a hard product to sell. But I suppose the more that they're hearing from you guys about that and understanding what your administrative burden is, the more that they can adjust on their end, hopefully to make it over time."

**Publication Date: 24 July 2025**

## **YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

**Reena Van Aalst:** Yes, I think that's right, Amanda. And I think the community didn't think of putting it on. So they put 14 owners, you know, 1.5 million. No one's going to vouch for that. So it wasn't even the consideration until the meeting happened, and was saying, "No, no, no." So now we have to have another meeting to start to redo it. So yes.

**Amanda Farmer:** Yes, excellent. Well, thank you for sharing that one with us, Reena. I, too, have a win for us this week, and the members inside the Your Strata Property online community would have heard about this one previously. I shared it with them a few weeks ago. Fiona, inside our community, has had a fantastic win, self-represented in the Tribunal, and I thought I would bring it here to the podcast because it relates to a question I've been asked before.

"Amanda, who is responsible for pests and vermin and pest control in a building. So, if I have mice or rats or cockroaches or whatever it is in my lot, but they are coming from somewhere that is outside of my lot, who is responsible for that?" And I'm not sure if it's in a chat with you, Reena, or, you know, a past solo episode.

I've said, in my view, "If you can prove that the pests are coming from the common property, then that is the owners corporation's responsibility. The owners corporation is not properly maintaining its common property. They should have regular pest control. The pests are just not spontaneously existing in your lot. They're coming from somewhere where that is the common property, then the owners corporation should be dealing with that." We now have a case, and this is an unreported case. You won't find this on case law, New South Wales, but the case is called, called Merrilla Holdings.

And the owners of strata plan number 16982, Fiona, who is part of Merrilla Holdings, very kindly shared it with me. And the short story is that she was in a building in Sydney. She's an investor, her lot was tenanted shortly after she purchased it and on an inspection by the property manager, it was discovered that there was quite a lot of damage from rats. Rats had actually got into the property through the kitchen services riser, is what the decision refers to it as the kitchen services riser from the garage.

So they'd come in through the garage into the lot, and I think the tenant had vacated, and then the place had been empty for a bit. The property manager came in to do an inspection, saw all the damage from the rats and for quite some time, the owners corporation resisted accepting responsibility for this, said, "No, your tenant wasn't properly keeping the place looking after it. That's why you've got rats. It doesn't have anything to do with us."

And that was notwithstanding there was evidence of a broken vent cover and some issues with the riser where, it was quite clear that that's where the rats were entering. And because of Covid shutdowns, I think was the owners corporation's excuse throughout 2022, there was no regular baiting happening, whereas previously the building had been doing regular baiting. And that only started again once this complaint was lodged.

So, ultimately, the applicant Fiona's company in this case claimed over \$6,000 in lost rent and some repair costs. And that was awarded by the Tribunal in full. The Tribunal found that, "Yes, the rats had come through the common property. The owners corporation had failed to conduct regular pest control for a substantial period. The damages claim was well within time. At that stage, two years was the law to be able to claim your damages."

And Tribunal found the owners corporation's excuses were not good enough. That did not justify the absence of pest control. The applicant was entitled to recover her lost rent and her repair costs, and she didn't have to contribute to that either. So \$6,000 across of 13 or 14, I think, lot building, all to be paid by the others and not to be contributed to by her. Great result and well done to Fiona for pushing this one through, the Tribunal did it on her own.

Got some support, as our members do, inside our members forum, to make sure she was on the right track. But, you know, it's something I'd been asked before. We've now got this case to be able to point to and say, "Yes, owners, corporations, you need to be doing regular pest control because if you've got owners, tenants who suffer damage because of vermin, then you may be on the hook."

**Publication Date: 24 July 2025**

## **YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

**Reena Van Aalst:** Yes, I mean, Amanda, that wouldn't been worth using a lawyer, for that amount of quantum, but it's good that she was able to do it herself and, make a very valid and compelling case that resulted in that outcome. Because most of the time I think, I would never would have thought that that would be awarded because of the fact that I suppose I never thought pest control.

And, it's funny, again, you learn something new every day in terms of the extent of the obligations of the owners corporation, which are quite high. So, yes, congratulations to Fiona.

**Amanda Farmer:** Good one to remember. And managers, you can use that one to make sure that your committees are meeting their obligations. If you've got that, you know, six-monthly pest control, as happens in some buildings that I'm involved in, and we get the reminder saying, "It's time. Do you want to send the pest control guy out?" The answer is yes, yes, absolutely. Make sure that we stay on top of that, management of our common areas.

**Reena Van Aalst:** So, can I ask you, you said it's not a reported case, so how did people get their hands on it?

**Amanda Farmer:** Well, our members have a full copy of that and a case note that I prepared for them inside our membership. And it's unfortunate that a lot of these cases are not reported because that means you can't just go to the case law New South Wales website, you can't go to the AustLII website and get a copy. So many NCAT cases, strata cases are not reported.

And I very often have even colleagues of mine, other lawyers, who've said, "Amanda, I heard you on the podcast talking about this case that you're involved in. I've got one really similar. Do you mind flicking me that unreported decision?" So if I can do that, then that's something that I'm happy to do. But generally, my first port of call when I get these unreported decisions is to make a case note, share that one with our members.

**Reena Van Aalst:** So why doesn't NCAT report all cases when it's just as easy, just to, like, it's not as if it's something? It's a big type of case where you think, "Oh, you know, so much volume of information," like, why wouldn't they just putting it on a website, isn't it? I mean, is there any other reason that they wouldn't publish these cases?

**Amanda Farmer:** No, look, I think it's supposed to be the job of the president of NCAT to go through the recent cases and decide which are influential, which are dealing with important principles, which are establishing new principles. So it's always been the case that not every case that runs through our courts and Tribunals does get reported.

There is, you know, that concept of an unreported case is quite common, and you would probably find that these free websites that we have access to, their databases would be overloaded with content if we were to report every single case. And I don't think that's what we as lawyers are advocating for, but we would like to see, I mean, a case like this, I mean, maybe you don't know, unless you work in the space like we do, that we don't see these cases every day and we do have clients and owners who are regularly asking questions about pest control and who's responsible.

You know, the president of NCAT doesn't necessarily know that, so they don't realise that this is one of those cases that should be published. And, you know, the Australian College of Strata Lawyers has reached out a couple of times through the relevant avenues to try and get some more strata cases reported. It is a problem that we recognise.

**Reena Van Aalst:** But I think you're right, Amanda, if you think about all the cases in NCAT, I mean, the database would collapse. I mean, because it's not like courts, it's actually there's far more volume going through the different areas of NCATs, and not just the strata section, but you look at all the other different cases where they are making decisions and things like that. So, yes, I think it would collapse.

**Amanda Farmer:** Yes, and it is more likely that an appeal panel case will be reported than a single-member decision. So this is a single-member decision, not to say that those single-member decisions are never reported. But yes, an appeal panel decision that it then becomes binding on that lower level of the Tribunal is more likely to be reported.

**Publication Date: 24 July 2025**

**YSP Podcast Transcript: 458 - Who's allowed in? Non-owners at SCMs + a tribunal pest control win**

**Reena Van Aalst:** That makes sense.

**Amanda Farmer:** Great to chat with you today, Reena. We've covered some ground as we like to do. Please do let us know, dear listeners, what you've enjoyed. Let us know as well what you'd like to hear more of. If you have a particular question for Reena or for me, or for both of us to cover in one of these future chats.

We always love to hear from you if you've got a win to share with us. Sometimes Reena and I sit down and we're scratching our heads. What's the success story this week? We'd love to hear those from you so we can share them here on the podcast.

**Reena Van Aalst:** And any unreported cases that you feel might benefit managers and owners, that would also be helpful.

**Amanda Farmer:** Yes, definitely keep those coming.

Have a fantastic day in strata, Reena Van Aalst.

**Reena Van Aalst:** Thank you, Amanda, you too.

**Amanda Farmer:** See you next 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 [yourstrataproperty.com.au](http://yourstrataproperty.com.au).