

Patrick Lum
34, Island Point Ave.
Waterways
VIC 3195

27th February 2018

Ms Julie McLean
Waterways OC Secretary & Manager,
Owners Corporation No.1 Plan PS 24353225
c/o Ace Body Corporate Consulting
P.O. Box 5583 MORDIALLOC
VIC 3195

Dear Julie,

WITHOUT PREDJUICE

Re: Berrigan Doube Lawyers (BDL)

I am writing in response to your correspondence dated 21st February 2018, Subject: Owners Corporation VCAT Application in which you mentioned that “Based on the legal advice received, the Committee’s view is that the only way to obtain certainty on this matter following the postal ballot is via an application to VCAT.” This advice presumably would have come from BDL based on their letter dated 19th February 2018 claiming, “We are instructed by the Owners Corporation to advise it and to act on its behalf. We have worked for ‘Waterways’ for some years now ...”

I would like to make an assertion that such advice provided by BDL is wrong since taking this matter to VCAT is considered as a “proceeding misconstrued” since the postal vote did not achieved the 50% or the 75% votes in favour for the resolution to be passed, either as an interim or final resolution. In my view, this case will be thrown out by VCAT as these resolutions were “failed resolutions” from the postal vote. The notion of taking a “failed resolution” to VCAT undermines the decision and processes stipulated the Owners Corporations Act 2006 in relation to “passing of a resolution”.

I therefore request that Waterways OC seeks a second opinion on this matter and request that another lawyer be appointed to represent the Waterways OC at the coming Directional Hearing at VCAT. I highly recommend that you call Mr Anton Block, Principal Lawyer from KCL Law for their opinion and service before the Directional Hearing on 7th March 2018 takes place. Their contact details are: Level 4, 555 Lonsdale Street, Melbourne VIC 3000 and telephone number is 03 8600 8888.

I look forward to your response.

Yours sincerely,



Patrick Lum