



AGENTS LICENSING BOARD OF THE NORTHERN TERRITORY

REASONS FOR DECISIONS: INQUIRY CONCERNING DISCIPLINARY
ACTION: NATALIA GRITCIENKO V NT PROPERTY MANAGEMENT
PTY LTD (TRADING AS ACE BODY CORPORATE MANAGEMENT
(DARWIN)) AND AATHI YUHAN SELVANAYAGAM

Applicant: Natalia Gritcienko

Respondents: NT Property Management Pty Ltd (Trading as Ace Property Management
(Darwin)) and Aathi Yuhan Selvanayagam

Date and time of hearing: Monday 1 December 2025 at 10am

Venue: Gurrumbuy Room, Level 6 NT House 22 Mitchell Street, Darwin .

Reason for Inquiry: To hold an inquiry pursuant to section 68(4) of the *Agents Licensing Act*
1979 to determine if there are grounds for disciplinary action to be taken against NT
Property Management Pty Ltd (trading as Ace Body Corporate Management (Darwin)) and
Aathi Yuhan Selvanayagam

Agents Licensing Board:

Robert Bradshaw, Chairperson

Kerri-Anne Laurence, Real Estate Board Member

Carol Need, Real Estate Board Member

Jake Quinlivan, Departmental Board Member

Representation: Kevin Kadirgamar, Department of Trade, Business and Asian Relations, Counsel Assisting the Board.

Brett Heath, Carter Newell, Counsel representing NT Property Management Pty Ltd (Ace Body Corporate Management (Darwin) (Trading as Ace Property Management (Darwin)) and Aathi Yuhan Selvanayagam

In attendance:

Aathi Yuhan Selvanayagam

Laine Cornish, Senior Board Support Officer, Department of Trade, Business and Asian Relations

Non-attendance: Natalia Gritcienko

Introduction

1. On 19 2024, Natalia Gritcienko (“the applicant”) applied to the Agents Licensing Board (“the Board”) for disciplinary action under section 68(3) of the *Agents Licensing Act 1979* (“the AL Act”) in relation to Aathi Yuhan Selvanayagam (“the business manager”) and NT Property Management Pty Ltd (“the agent”) (collectively “the respondents”).
2. The agent holds a company real estate and business agent licence valid to 19 June 2028, trading under the business name “Ace Body Corporate Management Darwin” It is a registered company with the Australian Securities and Investments Commission. The registered business name ‘Ace Body Corporate Management (Darwin)’ is held by the agent.
3. The business manager holds an individual estate and business agent licence valid to 8 September 2028. He is employed by the agent but is also understood to be the owner of the agent. The business manager has been a licensed agent since 2019. He took over the business of the agent in October 2019.
4. The respondents’ business focusses on unit title management.
5. The applicant is the owner of a unit that is part of a unit plan (“the unit plan”) managed by the agent.
6. In broad terms, the applicant contends that the respondents:

(a) failed to provide accurate information in a certificate issued under section 37 of the *Unit Titles Act 1975*. This resulted in the applicant incurring an additional expense of approximately \$1300 when she and was subsequently required to pay for the levy amount for 2020/21.

(b) conducted their business in an inappropriate manner.

7. At its meeting of 17 September 2025, the Board:

(a) resolved to conduct an inquiry into the section 37 issue;

(b) decided under section 68(5)(c) of the AL Act to reject the application in respect of the remaining allegations.

8. On 1 December 2025 the Board conducted a hearing in respect of the section 37 issues raised by the applicant. In conducting the hearing, the following materials and evidence were considered by the Board:

(a) An inquiry book prepared by the Department of Trade, Business and Asian Relations ("the department"). This inquiry book contains 57 document that included the complaint, licensing information, various legal opinions, emails between the applicant, the respondents and the department and submissions from the respondents' lawyers. References in these written reasons to "**document**" are references to documents contained in the inquiry book;

(b) Testimony from the business manager.

Provision of application to respondents

9. On 21 March 2024, the department provided the business manager with a copy of the application and requested a response to the allegations by 4 April 2024 (Document 20).

10. On 4 April 2024, the business manager provided a response to the allegations (Document 20), along with a number of supporting documents.

Provision of draft inquiry book

11. On 30 October 2025, the respondents and the applicant were provided with the draft inquiry book and asked to make submissions by close of business 13 November 2025.

Submissions by respondent

12. On 4 November 2025, the department received correspondence from Mr Brett Heath (Carter Newell) representing the respondents. (Document 49).
13. On 13 November 2025, the department received a submission from the respondent and associated attachments (Document 51).
14. Broadly stated, the submission contends that the matter relating to the special levy was dealt with and dismissed by the Northern Territory Civil and Administrative Tribunal (NTCAT) in its decision dated 11 September 2024.
15. The respondents provided a copy of the NTCAT decision as part of their submission (Document 52).

Submissions by applicant

16. On 6 November 2025, the applicant responded to the department seemingly raising concerns about the limited scope of the inquiry and requesting cancellation of the inquiry on that basis.
17. On 10 November 2025, the department responded to the applicant to note that the scope of inquiry had been narrowed; however, as part of being provided the draft inquiry book for response, the applicant was also able to make submissions about matters they believed were excluded due to omission or misunderstanding (Document 48).
18. No further correspondence was received from the applicant.

Chronology of Events

19. Based on the written materials and evidence provided at the hearing the following table contains is a chronology of relevant events and correspondence in relation to the application for disciplinary action concerning section 37

Date	Event details	Document
2017	The unit plan embarked on painting project to be paid over the next 7 years with an annual special levy for each of the over 7 years.	N/A
2020	The body corporate suspended the 2020 special levy and use funds from the sinking fund to cover the amount that would otherwise have been raised by special levy.	N/A
25 October 2021	Body Corporate Information Certificate issued to the applicant and the applicant's conveyancer. The Certificate provides that there are no outstanding levies.	Document 8
9 November 2021	An employee of the agent advised the applicant's conveyancer that the lot ledger shows an outstanding	Document 9

	balance of \$150.33. No mention is made of the 2017 decision concerning special levies or the suspension of the 2020 special levy	
15 November 2021	Applicant and her husband purchased the unit 8.	N/A
19 November 2021	Applicant receives invoice for the 2020 special levy. The business manager wrote to unit proprietors advising the committee's decision to reintroduce the special levy.	Document 32 Document 30
2 December 2021- 2 March 2024	Applicant receives quarterly invoices for each of the 2022/23 quarters	Documents 33-45
6 December 2023	The agent emailed the applicant advising no further response will be provided to the applicant's email queries regarding the special levy.	Document 22
2 February 2024	2024 AGM held Applicant issues letter to Aathi Yuhan Selvanayagam.	Document 15 Document 10
8 February 2024	Aathi Yuhan Selvanayagam responds to applicant's letter	Document 11
22 February 2024	Applicant reached out to the department for assistance, prior to lodging application for disciplinary action.	Document 7
19 March 2024	Applicant lodged application for disciplinary action.	Document 1
6 October 2024	Applicant contacted the department to advise that the Northern Territory Civil and Administrative Tribunal decision found an "improper conveyancing service" ¹ . A copy of the decision was not provided.	Document 19

Role of Agents Licensing Board

20. The AL Act regulates the licensing and conduct of real estate agents, business agents, and conveyancers. The Act outlines the requirements and obligations for agents operating in these sectors, including provisions for licensing, conduct, trust accounts, and dispute resolution. Body corporate managers are real estate agents for the purposes of, the Act"

21. Section 64A of the AL Act provides that '[r]egulations may prescribe rules of conduct for Regulations 1979 ("AL Regulations"). The Real Estate Institute of Northern Territory has also published a voluntary code of conduct titled 'Real Estate Practitioners Code of

¹ This appears to be incorrect interpretation of NTCAT's decision.

Conduct' (Code of Conduct). This code was designed to 'set boundaries of acceptable conduct in real estate practice and define minimum standards of behaviour expected' of its members.

22. Section 65 of the AL Act provides that a 'licensed agent must not breach the rules of conduct'. Section 65(4) provides that a company or firm is guilty of a breach of the rules of conduct for agents if: (a) the company or firm is a licensed agent acting on behalf of a client; and (b) a director or employee of the company or firm does an act, or fails to do an act, or attempts to do an act, the doing of, or the failure to do, which would, if the director or employee were a licensed agent, make the director or employee guilty of a breach of the rules of conduct for agents.
23. Section 110A(1) of the AL Act provides that 'a licensed agent must ensure that there is at all times in the agent's service a business manager, who is a licensed agent appointed by the agent, in respect of each office of the business carried on under the licence.' Section 110A(5) of the AL Act then provides that a 'business manager must ensure that he or she exercises substantive and effective control of the day-to-day operations of an office in relation to which he or she was appointed'.
24. The Board may take disciplinary action if a 'licensed agent has been guilty of a breach of the rules of conduct for agents' pursuant to section 67(1)(c) of the AL Act.
25. Section 68(4) of the AL Act provides that the Board shall hold an inquiry where 'an application for disciplinary action to be taken against a licensed agent is lodged in accordance with this section or the Board considers that there may be grounds under section 67 for disciplinary action to be taken against a licensed agent'.
26. The powers of the Board after the inquiry are outlined in section 68 of the AL Act. This section provides:
 - (1) *If, at the conclusion of an inquiry conducted under section 68(4), the Board is satisfied that it is authorised to take disciplinary action against a licensed agent, the Board may do one or more of the following:*
 - (a) *reprimand or caution the agent;*
 - (b) *by written notice, impose a fine not exceeding 50 penalty units on the agent;*
 - (c) *by written notice, suspend the licence of the agent until the expiration of the period, or the fulfilment of a condition, specified in the notice;*

(d) by written notice, revoke the licence of the agent.

27. The inquiry hearing and process is governed by section 77 of the AL Act. The procedure is at the discretion of the Board, parties may be legally represented, and the Board is not bound by the rules of evidence but may inform itself in such manner as it thinks fit. Proceedings are open to the public.

Rules of Conduct

28. The Board considered whether the respondents have contravened any of following rules of conduct as contained in schedule 4 to the AL Regulations:

Rule 5: Subject to any other specific rules of conduct, a real estate or business agent must have due regard to and comply with:

Rule 11: An agent must exercise due skill, care and diligence in carrying out the agent's duties on behalf of a client.

Rule 12: An agent must exercise due skill, care and diligence when dealing with any person in the course of conducting business as an agent.

29. The Board will have regard to these rules of conduct when considering the application, respective replies, and associated evidence.

Discussion of the issues

Ground – inaccurate section 37 certificate

30. Allegation and facts concerning ground 1

(1) Section 37(2) of the *Unit Titles Act 1975* provides that a person of the kind described in section 37 can:

(a) require a body corporate to issue a certificate as to whether or not an amount that is payable under section 36 by way of contribution is unpaid at the date of the certificate and if an amount is unpaid the date of when it becomes payable; and

(b) request that the books and records of the body corporate be made available for inspection.

(2) Section 36 deals with the setting of contributions payable on an annual basis by unit owners.

(3) On 25 October 2021 the business manager provided an “information certificate” which was explained “for use of the purpose of section 37”.

- (4) The certificate included a range of information. This information included:
- (a) Item 5: “there are currently no special levy fees”
 - (b) Item 7: That, in terms of the funds held, the administrative fund held \$70,491.06 and the sinking fund was negative \$32,052.60 with a balance of \$38,438.45.²
 - (c) Item 6: “there are currently no additional charges payable ... that relate to work performed by the Body Corporate or some other act that incurs additional charge”
 - (d) Item 10: “the body corporate has not or do not intend in the foreseeable future to enter into any contracts affecting the common property”.
31. The Board finds that there was no outstanding levy as of 25 October 2024. The Board’s understanding of the facts is:
- (1) the body corporate entered into a contract in 2017 for the external painting and maintenance. Based on the facts described in NTCAT’s decision it appears that there was an ongoing contract with an obligation to \$24,576 per year for 7 years.
 - (2) despite that commitment the body corporate, for COVID related reasons, did not impose a levy in 2020. It was entitled to make that decision. Presumably the payment to the painter was made out of the monies nominally allocated to the body corporate’s “sinking fund”
 - (5) These facts mean that the certificate was accurate in stating that there was no special levy.
32. However, the document issued by the agent contained much more information than that which is formally required by section 37.
33. It might be argued that there was an ongoing contractual arrangement of some kind regarding the maintenance or there were outstanding obligations (regarding the sinking fund) relating to the painting.
34. NTCAT dealt with a claim by the applicant against the body corporate. The respondents were not parties to the proceedings. However, the claim related to actions by the respondents on behalf of the body corporate. In its decision dated 11 September 2024, NTCAT found that

² This is said noting that the *Unit Titles Act 1975* does not require the existence of a sinking fund. Presumably, in this case, there is a single fund with amounts nominally allocated between short term and long-term financial obligations


(a) there was a valid decision of the Chairperson to declare a special levy based on a decision made at the annual general meeting of the body corporate (see paragraphs 28- 29 of the NTCAT decision, document 52);

(b) the applicant was provided with sufficient information (section 37 certificate, minutes and budget) that revealed to the applicant that she would be paying levies in the future for the deficit (see paragraph 75 of the NTCAT decision, document 52).

35. In passing the Board notes that it is somewhat doubtful that the chairperson has any personal power to impose a special levy – even if that act is contemplated by an earlier decision of the body corporate. However, in general terms, the document issued for the purposes of section 37 does convey the fact that there was a deficit which, in due course, would have to be dealt with by the current owners.
36. In deciding to have an inquiry the Board took the view that the provision of an accurate section 37 certificates is a critical responsibility of body corporate managers and that a **failure** would be a matter of some concern.
37. In the light of the further information provided subsequent to the decision to have an inquiry the Board is satisfied that the respondent complied with section 37.
38. The Board also takes the view that the other information provided in the document provided for section 37 is sufficiently comprehensive to have put the applicant and her conveyancer on notice about the financial affairs of the body corporate. It sets out the deficiency in the sinking fund and the amounts payable for 2021.
39. These findings are consistent with those made by NTCAT in its decision dated 11 September 2024.

Right of review

40. Section 85(3) of the AL Act provides that an affected person can apply to the NTCAT for a review of decisions of the Board.
41. For the purposes of section 85(3), “affected persons” include the applicant, agents and agents’ representatives affected by the decisions.
42. For a decision that includes the reasons for the decision an application for review must be made within 28 days of the day of notification to an affected person of the decision in the matter.

A handwritten signature in black ink that reads "Bradshaw." The signature is written in a cursive style with a period at the end.

Dated 13 February 2026

Robert Bradshaw

Chairperson (for Agents Licensing Board of the Northern Territory)