

## DECISION

**Case number:** NDR168-16  
**Applicant:** Ronald George Masters  
**Respondents:** Michael Anthony Freidman  
Pin Lu  
**Before:** Member Guthrie  
**Date:** 8 March 2017  
**Proceeding Type:** Compulsory Conference

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IT IS THE ORDER OF THE TRIBUNAL BY CONSENT THAT:

1. The application for a tree dispute filed by Ronald George Masters is dismissed.
2. Each of the parties will bear their own costs.

Signed  
  
Member Guthrie  
Queensland Civil and Administrative Tribunal

## AGREEMENT

**Case number:** NDR168-16  
**Applicant:** Ronald George Masters  
**Respondents:** Michael Anthony Freidman  
Pin Lu  
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### Recitals


1. Ronald George Masters ("the neighbour") made application for a tree dispute in relation to bamboo located on the property of Michael Anthony Freidman and Pin Lu ("the treekeeper").
2. The neighbour's property is 19 Willard Road, Capalaba.
3. The treekeeper's property is 21 Willard Road, Capalaba.
4. A colourbond boundary fence separates the two properties.
5. On the treekeeper's property is a bamboo feature wall which exceeds the height of the colourbond boundary fence.
6. The bamboo, the subject of the dispute, was growing along the fence line.
7. As at the date of the agreement, the treekeeper had removed the bamboo that was growing along the fence line between the garden bed and the carport on the treekeeper's property ("the cleared area").
8. The parties have not obtained legal advice but the terms of settlement are fully understood and voluntarily accepted.
9. The parties have agreed to settle their dispute on the following terms.

#### For more information on QCAT

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**The parties agree:**

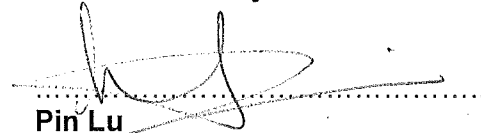
1. The treekeeper will carry out the following "maintenance works":
  - a) At all times, maintain all of the bamboo to a maximum height of three metres, measured from ground level;
  - b) remove any rhizomes or culms that reshoot within the cleared area on the treekeeper's property.
2. The treekeeper will be solely responsible for the cost of the maintenance works.
3. The neighbour will, at his own cost, control any regrowth of rhizomes or culms which grow on the neighbour's property.
4. In the event that new damage occurs on the neighbour's property as a result of the bamboo on the treekeeper's property, the parties acknowledge that the neighbour may file in the tribunal, a new application for a tree dispute.
5. All parties will cooperate fully and execute any and all documents which may be necessary or appropriate to give full force and effect to the terms and intent of this agreement.
6. The Tribunal will, by consent, dismiss the application with each party to bear their own costs.



Ronald George Masters



Michael Anthony Freidman



Pin Lu