

DECISION

Case number: NDR154-21
Applicant: James Andrew Shaxson
Jodie Kay Shaxson
Respondent: Wayne Morris Hess
Isobell Gaye Hess

Before: Member McVeigh
Date: 19 January 2024
Proceeding type: On-papers hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The respondents must, at their own expense, remove the paperbark tree within 28 days of this order.
2. If the respondents do not comply with order 1, then:
 - (a) the applicants will be entitled to have the tree removed by a suitable qualified tree lopper with appropriate insurance cover;
 - (b) the tribunal authorises persons engaged by the applicants to remove the tree to enter the respondents' land to remove the tree upon giving 7 days written notice of their intention to enter the respondents' land to carry out the work; and
 - (c) requires the respondents to reimburse the applicants the cost of the removal of the tree.
3. The respondents must pay the applicants the sum of \$7,216 to compensate them for damage to their driveway.
4. The respondents must pay the applicants the sum of \$500 to reimburse the applicants who paid the respondents' share of the costs of the tribunal appointed arborist.

Signed



Member McVeigh
Queensland Civil and Administrative Tribunal