

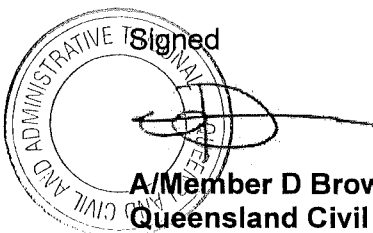
DECISION

Case number: NDR244-22
Applicant: Jim Nedelkos
Respondent: Kevin V Ward

Before: A/Member D Brown
Date delivered: 7 May 2024
Proceeding Type: On Papers Hearing
Initiating document: Application for tree dispute filed 8 December 2022

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. On or before 8 June 2024, the Respondent, Mr Kevin Ward will:
 - (a) Remove all Bamboo on his property at 17 Brassington Road, Glenwood which is 2 metres or less from the shared boundary fence with Mr Jim Nedelkos' property at 25 Brassington Road, including removing any roots or plants which have grown across the boundary into Mr Nedelkos property; and
 - (b) Undertake ongoing maintenance of the Bamboo ever four months after the initial removal to maintain the 2 metre clearance channel from the boundary.
2. All work is to be undertaken by a contractor with the necessary insurances.
3. Mr Kevin Ward shall be entitled to enter Mr Jim Nedelkos' property at 25 Brassington Road to carry out the work at Order 1, upon giving Mr Nedelkos 7 days' written notice.
4. Mr Ward will be responsible for all costs associate with undertaking the work outlined in Order 1, including any cost associated with the removal and /or replacement of the wire dividing fence to enable the work to be undertaken.
5. If Mr Ward fails to under the work as outlined in Order 1, Mr Nedelkos shall be entitled to have the work undertaken by a contractor with appropriate insurances.
6. Mr Nedelkos shall be entitled to enter Mr Ward's land at 17 Brassington Road, Glenwood and carry out the work, subject to giving 7 days written notice of the intention to Mr Ward.
7. The cost incurred by Mr Jim Nedelkos on engaging a contractor to undertake the work outlined in Order 1, including any expense in removal or replacement of the wire diving fence, to enable the work to be undertaken in default of Mr Kevin Ward, shall be recoverable from Mr Kevin Ward as a debt without further notice being required to be given.


Signed
A/Member D Brown
Queensland Civil and Administrative Tribunal