

DECISION

Case number: NDR047-22

Applicant: Benazir Anwar
Mirwais Sultan

Respondent: Patricia Louise Obst
Bruno Adolfo Gonzalez

Before: Member Poteri

Delivered On: 26 MAY 2025

Hearing Dates: 28 FEBRUARY 2025
12 MARCH 2025

Proceeding type: Tribunal Hearing

Initiating document: Application for a tree dispute filed on 7 March 2022

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Patricia Louise Obst and Bruno Adolfo Gonzalez must remove the cheese tree on the common boundary of their property by 4 pm on 30 September 2025 at their cost.
2. The cheese tree must be removed to the ground level and the base of the cheese tree must be poisoned.
3. All parts of the cheese tree, including any cut branches or debris, caused by the removal of the subject tree, must be removed from the property of Benazir Anwar & Mirwais Sultan at the same time that the cheese tree is removed.
4. Any parts of the cheese tree can be retained by and become the property of Patricia Louise Obst and Bruno Adolfo Gonzalez.
5. On the giving of 7 days' notice in writing by Patricia Louise Obst and Bruno Adolfo Gonzalez, Benazir Anwar and Mirwais Sultan must provide reasonable access to their property to allow the cheese tree to be removed.
6. Should the work to remove the cheese tree not be undertaken or completed by Patricia Louise Obst and Bruno Adolfo Gonzalez by 30 September 2025, then Benazir Anwar and Mirwais Sultan shall be entitled to have the work to remove and poison the cheese tree (and remove and dispose of any parts/debris of the subject tree) undertaken by a suitably qualified tree lopper with appropriate insurance cover.
7. Should Benazir Anwar and Mirwais be required to carry out the work to remove and poison the cheese tree in default of it being done by Patricia Louise Obst and Bruno Adolfo Gonzalez, then any tree lopper contracted by Benazir Anwar and Mirwais Sultan shall be entitled to enter the property of Patricia Louise Obst and Bruno Adolfo Gonzalez to carry out any work to remove and poison the cheese tree subject to Benazir Anwar and Mirwais Sultan giving Patricia Louise Obst and Bruno Adolfo Gonzalez 7 days' notice in writing of their intention to have alternate tree loppers remove and poison the subject tree.

8. Any costs, not to exceed \$3,000, incurred by Benazir Anwar and Mirwais Sultan engaging an alternate tree lopper to do the work to remove and poison the cheese tree (and dispose of any parts/debris of the cheese tree) in default of Patricia Louise Obst and Bruno Adolfo Gonzalez carrying out this work shall be recoverable from Patricia Louise Obst and Bruno Adolfo Gonzalez as a debt without further notice being required to be given.
9. The application relating to dividing fence issue can now proceed and a directions hearing can now take place to make orders to progress this application.

Signed

Member Peter
Queensland Civil and Administrative Tribunal