

## DECISION

**Case number:** NDR038-22  
**Applicants:** Sean Henry Leonard  
Jean Leonard  
**Respondent:** Richard Love  
**Before:** Member Bishop  
**Date:** 21 June 2023  
**Proceeding type:** Directions Hearing

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BY CONSENT IT IS THE DECISION OF THE TRIBUNAL:

1. The Respondent, **Richard Love**, must remove the Mango tree referred to as Tree 1 in the Tree Assessment Report dated 29 December 2022 **on or before 16 September 2023**.
2. The Respondent, **Richard Love**, must prune the Golden Cane referred to as Tree 2 in the Tree Assessment Report dated 29 December 2022 to remove all stems that grow in direct contact with the Applicants', **Sean Henry Leonard and Jean Leonard's**, boundary fence or extend into the Applicants', **Sean Henry Leonard and Jean Leonard's**, land **on or before 16 September 2023**.
3. The Respondent, **Richard Love**, will undertake maintenance of Tree 2 to remove all stems that grow in direct contact with the Applicants', **Sean Henry Leonard and Jean Leonard's**, boundary fence or extend into the Applicants', **Sean Henry Leonard and Jean Leonard's**, land as required.
4. The Respondent, **Richard Love**, will be responsible for the costs of undertaking the work outlined in paragraphs 1, 2 and 3.
5. The work outlined in paragraph 1 is to be undertaken by a suitably qualified contractor with appropriate insurance cover.
6. If required, the Applicants, **Sean Henry Leonard and Jean Leonard**, must allow the Respondent's, **Richard Love's**, suitably qualified contractor access to their land to undertake the work outlined in paragraphs 1, 2 or 3. The suitably qualified contractor must have appropriate insurance to undertake the work on the Applicants', **Sean Henry Leonard and Jean Leonard's**, land and the Respondent, **Richard Love**, must give the Applicants, **Sean Henry Leonard and Jean Leonard**, at least three (3) days' prior notice of the work being done.
7. If the Respondent, **Richard Love**, fails to undertake the work outlined in paragraphs 1 and 2 on or before 16 September 2023, the Applicants, **Sean Henry Leonard and Jean Leonard**, shall be entitled to engage a suitably qualified contractor with appropriate insurance to undertake the work. The Applicants', **Sean Henry Leonard and Jean Leonard's**, suitably qualified contractor shall be entitled to access the Respondent's, **Richard Love's**, land to under the work outlined in paragraphs 1 and 2 subject to the Applicants, **Sean Henry Leonard and Jean Leonard**, giving the

Respondent, **Richard Love**, at least three (3) days' prior notice of the work being done. The costs incurred by the Applicants, **Sean Henry Leonard and Jean Leonard**, to undertake the work outlined in paragraphs 1 and 2 will be recoverable as a debt from the Respondent, **Richard Love**.

Signed

A handwritten signature in black ink, appearing to read 'Bishop', is written over a circular official seal. The seal contains the text 'QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL' around its perimeter.

**Member Bishop**  
**Queensland Civil and Administrative Tribunal**