

ORDERS

Case number: RWL003-16

Applicants: Mr Kenneth Bryant Hastings and Mrs Lynette Elizabeth Hastings

Respondents: Paul James Thompsen and Christine Vivienne Schnider

Before: Mr Wayne Pennell, Member

Date: 24 May 2017

Proceeding Type: Hearing

THE TRIBUNAL ORDERS:

1. The decision made by the Tribunal on 7 March 2013 is renewed.
2. That pursuant to section 42 of the *Queensland Civil and Administrative Tribunal Act 2009* Christine Vivienne Schnider is joined as a party to these proceedings.
3. That by 4:00pm on 2 June 2017 the Applicant must obtain at least two (2) quotations from suitably qualified tree loppers to undertake the work described in Orders 4(a) to 4(g); and
 - (a) By 4:00pm on 9 June 2017 give to the Respondents the quotations from those suitably qualified tree loppers.
 - (b) By 4:00pm on 16 June 2017 the Respondents are to select from the quotations from those suitably qualified tree loppers one (1) quotation and advise the Applicants of their selection.
 - (c) By 4:00pm on 31 July 2017 the Applicants will engage the suitably qualified tree lopper selected by the Respondents to undertake the work described in Orders 4(a) to 4(g).
 - (d) The Respondents will be responsible for all costs incurred by, and associated with the work undertaken by the suitably qualified tree lopper in compliance with Order 4(a) to 4(g).
4. That by 4:00pm on 31 July 2017 the Respondents must allow the suitably qualified tree lopper selected by them to –
 - (a) Carry out work to cut the *Calliandra* shrub on the Applicant's side of the common boundary to an acceptable height so as to allow all reasonable access to the Applicant's residence.

- (b) Destroy the *Syzygium* tree commonly known as a Lillypilly tree and identified as Tree "A".
 - (c) Cut the two *Plumeria* trees commonly known as a Frangipani trees identified as Trees "B" and "D" at the common boundary so that these trees do not protrude into the Applicant's property.
 - (d) Cut the *Dypsis lutescens* tree commonly known as the Golden Cane palm identified as Tree "C" at the common boundary so that this tree does not protrude into the Applicant's property.
 - (e) Cut the four *Eucalyptus torellilana* trees commonly known as the Cadaghi gums identified as Trees "E", "F", "G" and "H" at a height of not less than 3 metres and not more than 5 metres so that no part of those trees protrude into the Applicant's property.
 - (f) Cut the two *Eucalyptus* trees commonly known as the gums identified as Trees "I" and "J" at a height of not less than 3 metres and not more than 5 metres so that no part of those trees protrude into the Applicant's property.
 - (g) Cut the *Calliandra* shrub and the *Murray paniculata* shrub at the common boundary so that these shrubs do not protrude into the Applicant's property.
5. That the Respondents must maintain the trees described in Orders 4(a) to 4(g) with proper care and maintenance to abate any nuisance caused by the trees and shrubs and ensure that those trees and shrubs do not protrude over, into or onto the Applicant's land so as to cause substantial, ongoing or unreasonable interference with the Applicant's use and enjoyment of their land.
 6. That the Applicants will allow the Respondents and any other person or persons acting under the direction of the Respondents to enter the Applicants' property for a reasonable time so that the maintenance of the trees and shrubs can be undertaken.
 7. That on or before 4:00pm on 31 July 2017, the Respondents must pay the Applicants costs for this application fixed at \$35.60.

Signed



Mr Wayne Pennell
Member
Queensland Civil and Administrative Tribunal

Date: 24 May 2017