

DECISION

Case number: NDR123-22

Applicant: Body Corporate for Windsor Avenues CTS 30280

Respondent: Graeme Westacott, Lorraine Susan Westacott

Before: Member King-Scott

Date: 12 September 2024

Proceeding Type: Tribunal Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. If the parties cannot agree on an arborist, the Respondent is to engage an arborist by 24 October 2024 and advise the Applicant by email within 7 days of the engagement of the name, address and qualifications of the arborist.
2. The arborist is to carry out an inspection of the jacaranda trees, bordering the Applicant's property at 43 Norman Avenue, Lutwyche and Respondent's property 36 Windsor Avenue, Lutwyche and advise them on appropriate pruning and hazard reductions of the trees and canopies. The Respondent's to email a copy of the report to the Applicant forthwith on receipt.
3. Pruning and hazard reductions of the trees to be carried out in accordance with the finding of the arborist within 21 days of receipt of the arborists report and thereafter on an annual basis.
4. The cost of the report to be shared by Dr Westacott and the body corporate on a 50/50 basis, the cost of pruning and hazard reduction to be wholly borne by the Respondents. If subsequent pruning and hazard reduction involves trees on the Applicants property at 43 Norman Avenue then the Applicant is to bear those costs.
5. The arborist to be granted all reasonable access to both parties' properties as necessary to carry out the pruning and hazard reduction on the giving of 7 days notice in writing to both parties.
6. The parties have liberty to apply for further directions on 14 days notice by one party to the other. If liberty is not applied for within 3 months, the application is dismissed.

Signed



Member King-Scott
Queensland Civil and Administrative Tribunal