

DECISION

Case number:	NDR017-24
Applicant:	Linda Marie Ross
Respondent:	Marian Frances Atkinson
Before:	Member Poteri
Date:	17 March 2026
Proceeding Type:	Tribunal Hearing

BY CONSENT, IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Marian Frances Atkinson must arrange a certified arborist to responsibly prune the three subject trees, i.e. Liquid Amber, Swamp Cypress, and Lily Pilly, back to the common boundary fence line. If such pruning is required, then the first pruning shall take place on or about 1 November 2026.
2. Marian Frances Atkinson must pay for the cost of contracting the certified arborist to undertake the pruning. However, Linda Marie Ross shall contribute a sum, not exceeding, \$2,000.00 annually towards the cost of the pruning.
3. After the pruning has been completed on or about 1 November of each year, Marian Frances Atkinson shall provide a copy of the invoice for the cost of the pruning to Linda Marie Ross. If the cost of the pruning exceeds \$2,000 then Linda Marie Ross shall pay the sum of \$2,000 into the nominated bank account of Marian Frances Atkinson. If the cost of pruning does not exceed \$2,000 then Linda Marie Ross shall pay the amount of the invoice into the nominated bank account of Marian Frances Atkinson.
4. Any payments required to be made by Linda Marie Ross to Marian Frances Atkinson must be paid into the nominated bank account of Marian Frances Atkinson on or about 14 November each year.
5. Marian Frances Atkinson must undertake the pruning for a period of ten years.
6. Linda Marie Ross agrees that the certified arborist who undertakes the pruning for Marian Frances Atkinson can have reasonable access to Linda Marie Ross's property to undertake the annual pruning.
7. Marian Frances Atkinson shall provide the full details of her nominated bank account to Linda Marie Ross.
8. If Marian Frances Atkinson fails to undertake any of the annual pruning on or about 1 November of each year (Incomplete Works), then Linda Marie Ross shall be entitled to undertake any Incomplete Works on the giving of 28 days in writing to Marian Frances Atkinson. If this occurs then Linda Marie Ross's nominated contractor shall be entitled to enter Marian Frances Atkinson's land and carry out any Incomplete Works.

9. If Marian Frances Atkinson undertakes all of the Incomplete Works prior to the expiration of the 28 days' notice period as outlined above hereof, Linda Marie's Ross's or her nominated contractor's entitlement to enter Marian Frances's Atkinson's land is extinguished.
10. Any costs incurred by Linda Marie Ross in engaging a contractor to undertake any of the Incomplete Works in default of Marian Frances Atkinson undertaking such Incomplete Works shall be recoverable from Linda Frances Atkinson as a debt without further notice being required to be given by Linda Marie Ross to Marian Frances Atkinson.

Signed



Member Poteri
Queensland Civil and Administrative Tribunal