

DECISION

Case number: NDR011-26

Applicant: Joseph Chee
Margaret Chee
Mei Li Chee
Mei Yen Chee

Respondent: Cary Aniolkowski
Leanne Aniolkowski

Before: Member Bellamy

Date: 2 SEPTEMBER 2026

Proceeding type: Compulsory Conference

Initiating document: Application for a Tree Dispute filed 27 January 2026

The parties have reached a settlement in the terms set out below.

Pursuant to section 84 of the *Queensland Civil and Administrative Tribunal Act 2009*, by consent of the parties, the TRIBUNAL orders that:

1. The Respondents must maintain the trees situated inside their property, near the fence that divides their property from the Applicants' property so that no branches or foliage cross that fenceline or reach more than 2 meters above the top of the dividing fence. The main purpose of this Order is to strike a reasonable balance between:
 - a. Allowing the Respondents to enjoy their trees;
 - b. Allowing the trees to act as a visual barrier between the Applicants' upper floor and the inside of the Respondents' ground floor for Respondents' privacy;
 - c. Minimising any interference the trees cause to with sunlight (direct or ambient) entering the Applicants' home; and
 - d. Minimising the amount of debris from the trees that enters the Applicants' property or danger posed by branches protruding into the Applicants' property.
2. The maintenance required by Order 1 must be done by 30 November 2026 and thereafter at intervals of no longer than six months.
3. The Respondents must arrange for the removal of all debris that falls in their own property and the Applicants' property as a result of the pruning required by Order 1.
4. With respect to removal of debris referred to in Order 3 in the Applicants' property, the Respondents must arrange for a third party to remove it with the permission of the Applicants on the day of pruning. The respondents may seek permission by text message, giving at least 14 days' notice of the removal work and two days' notice of the identity of the third party, and the Applicants must not unreasonably withhold permission.

5. All pruning is to be performed in accordance with the requirements of Australian standard 4373-2007 "Pruning of amenity trees".
6. The Respondents must, within 14 days of the making of these Orders, pay the Applicants \$600.
(It is not possible for QCAT to act as an intermediary for this payment, so it is suggested that the Applicants provide bank details or PayID to the Respondents via text message so the Respondents make payment by bank transfer).
7. These Orders remain in force and effect for a period of 10 years from the date of the Orders.

Signed

The image shows a handwritten signature in blue ink, which appears to be 'Bellamy', written over a circular official seal. The seal contains the text 'QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL' around its perimeter.

Member Bellamy
Queensland Civil and Administrative Tribunal