

DECISION

Case number: NDR230-12
Applicant: Ms Helen Janene MacKee
Respondent: Mr Andrew Wilson
Before: Professor Adrian Ashman, Member
Date: 29 July 2013
Proceeding Type: Hybrid Hearing

IT IS THE DECISION OF THE TRIBUNAL THAT:

By Consent:

1. Mr Wilson will install a root barrier along the fence that constitutes the property boundary with Ms MacKee to restrain the incursion of any roots of the Poinciana *Delonix regia*, the subject of this dispute. The root barrier is to be inspected and certified by an appropriately qualified professional, to be agree by Ms MacKee and Mr Wilson.
2. The root barrier is to be constructed within three (3) months of this order.
3. The tree-keeper is to engage an appropriately qualified arborist to prune the Poinciana to remove branches overhanging Ms MacKee's property.
4. The tree-keeper is to arrange for an annual inspection of the Poinciana and removal of any branches that overhang the neighbour's property. The inspection and pruning to be undertaken by an appropriately qualified arborist.
5. Mr Wilson will pay as compensation to Ms MacKee the sum on One Hundred and Thirty-Seven Dollars Fifty-Cents (\$137.50) being half of the Tribunal's application fee for this matter.
6. The amount in [5] is to be paid within fourteen (14) days.

Signed

Professor Adrian Ashman
Member
Queensland Civil and Administrative Tribunal