

DECISION

Case number:	NDR094-19
Applicant:	The Body Corporate for Oxley Outlook CTS 50217
Respondent:	Anthony Beis
Before:	Member LeMass
Date:	8 November 2019
Proceeding Type:	Tribunal Hearing

THE TRIBUNAL DIRECTS THAT:

1. The Respondent will prune trees upon his property, being those trees adjacent to the applicant's boundary to achieve generally the removal of the limbs and canopy over hanging the boundary and to achieve a safe circumstance for the Applicants occupiers.
2. Such pruning to be in accordance with the outcomes describe in the arborist report by Mr. N. Smith dated 10 September 2018 and including the specifications as to the qualifications of the arborist as set out page 3 of that report, copy annexed.
3. Such pruning to comply with all Australian standards and all Local Authority and State Government overlays and by laws.
4. All of this works shall be carried out by the Respondent and at the Respondents cost and within a period of 30 days from the date of this order.
5. In the event of non-compliance or partial non-compliance with the terms of this order and within time period allowed the matter will be remitted to the Tribunal for the purposes of consideration of the following:
 - a) An order to compelling the Respondent to allow access to his property for the purposes of having and independent contractor complete the works.
 - b) For the Respondent to pay a monetary sum as quoted by independent contractor for the completion of the works.
6. The Respondent to maintain the tree canopy pruning for the purposes of affording safety upon a two yearly interval or earlier as required.
7. The matter is listed for further consideration before Member LeMass on **14 February 2020 at 9:30am in Brisbane.**

Member LeMass
Queensland Civil and Administrative Tribunal