

DECISION

Case number: NDR145-15
Applicant: John Borchhi and Tracey Borchhi
Respondent: Sharyn Kettle

Before: Senior Member Brown

Date: 5 June 2017
Proceeding Type: On-the Papers

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. Sharon Kettle must install a root barrier along the boundary between 6 Possum Court, Capalaba and 46 Howlett Road, Capalaba ('the root barrier');
2. The root barrier must be:
 - i) adequate to contain the roots from the trees identified as tree #1, tree #2 and tree #5 in the report of Andrew Stovell dated 26 June 2016 ('the trees') within 46 Howlett Road, Capalaba and to prevent the spread of the roots of the trees to 6 Possum Court, Capalaba;
 - ii) installed under the supervision of an appropriately qualified arborist of at least Australian Qualifications Framework Level 5.
3. Sharyn Kettle must pay for the costs of the installation of the root barrier;
4. John Borchhi and Tracey Borchhi must provide such reasonable access to their property as may be required by Sharyn Kettle, and any contractors engaged by her, to undertake the installation of the root barrier;
5. The root barrier must be installed within three (3) months of the date of this order.
6. If Sharyn Kettle fails to comply with orders 1, 2, 3 and 5:
 - i) John Borchhi and Tracey Borchhi may install the root barrier;
 - ii) John Borchhi and Tracey Borchhi and/or their servants and/or their agents are authorised to enter upon 46 Howlett Road, Capalaba in order to undertake the installation of the root barrier;

- iii) John Borch and Tracey Borch may recover from Sharyn Kettle the cost of the installation of the root barrier.

Signed

Senior Member Brown
Queensland Civil and Administrative Tribunal