

## DECISION

**Case Number:** NDR162-14  
**Applicant:** Linda Hartley  
**Respondent:** Body Corporate for Terraces on the Park CTS 23281  
**Before:** Member Paratz  
**Date:** 3 December 2015  
**Proceeding Type:** Tribunal Hearing

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### IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Body Corporate for Terraces on the Park CTS 23281 is to arrange for the removal of the two (2) subject trees, the EUCALYPTUS PILULARIS and the CORYMBIA CITRIODORA SUBSP MACULATA, by:  
**4:00pm on 29 January 2016.**
2. The Body Corporate for Terraces on the Park CTS 23281 is to pay the full cost of the removal of the two trees and reinstatement of the dividing fence (by a temporary fence if agreed between the parties, or failing agreement, by a permanent fence).
3. The removal of the two trees is to be conducted by a suitably qualified (MIN CERT III AQF), and insured, and experienced, climbing arborist.
4. Linda Hartley is to provide all necessary access to her property, at reasonable times to be arranged, for the conduct of the tree removal work.

### THE TRIBUNAL DIRECTS THAT:

5. Linda Hartley is to allow all necessary access to her property, at reasonable times to be arranged, for the Body Corporate for Terraces on the Park CTS 23281 to have inspections conducted of the trees and the sewer pipe (including testing by cameras in the pipe, and the digging of any exploratory pits to uncover and inspect the sewer pipe).
6. The Body Corporate for Terraces on the Park CTS 23281 must file two (2) copies in the Tribunal and give one (1) copy to Linda Hartley of statements of evidence from itself, its arborist, its plumber or other relevant persons, in relation to the following issues of:
  - (1) The cause of damage to the sewer pipe;
  - (2) The method and cost of repair of the sewer pipe;
  - (3) Access required to effect repair of the sewer pipe; and
  - (4) Liability for the cost of repair of the sewer pipe and any related damage, by

**4:00pm on 11 March 2016.**

7. Linda Hartley must file two (2) copies in the Tribunal and give one (1) copy to the Body Corporate for Terraces on the Park CTS 23281 of any statements of evidence in response to any further statements of evidence of the Body Corporate for Terraces on the Park CTS 23281 by:

**4:00pm on 25 March 2016.**

8. The Body Corporate for Terraces on the Park CTS 23281 must file two (2) copies in the Tribunal and give one (1) copy to Linda Hartley of any statements of evidence in reply to the response of Linda Hartley by:

**4:00pm on 1 April 2016.**

9. The further hearing of the matters as to repair of the sewer pipe and any related damage and as to costs is adjourned to **9:30am on 11 April 2016.**

Signed

**Member Paratz  
Queensland Civil and Administrative Tribunal**