

DECISION

Case number: NDR035-19

Applicants: Kimberley McNamara
Bradley McNamara

Respondent: Erin Berthelsen

Before: Member C Roney

Date: 31 October 2019

Proceeding type: Compulsory Conference

THE PARTIES AGREE TO RESOLVE THIS DISPUTE AND CONSENT TO THE TRIBUNAL DISMISSING THE APPLICATION ON THE FOLLOWING BASIS:


1. Erin Berthelsen agrees to undertake a yearly review of the African Mahogany, through her Property Manager. Kimberley McNamara and Bradley McNamara may make submissions to the Property Manager about their position on that review.
2. Erin Berthelsen agrees to trim the trees to a point 20cm from the common boundary and to proceed with the quotation from Scott Kennedy. Erin Berthelsen will arrange for Scott Kennedy to carry out the quoted works between 7 November 2019 and 12 December 2019, and advise Kimberley McNamara and Bradley McNamara of the chosen date.
3. Kimberley McNamara and Bradley McNamara will obtain a quote from Scott Kennedy for the work they wish to have performed and pay the costs of that quote. Erin Berthelsen agrees to allow Kimberley McNamara and Bradley McNamara to perform further trimming of the tree by Scott Kennedy, at their cost.
4. Erin Berthelsen agrees to provide access to the contractor Scott Kennedy for the forthcoming cutting exercise.
5. Erin Berthelsen consents to Kimberley McNamara and Bradley McNamara performing the maintenance of the trees up to a distance of 50cm from the common boundary (on Erin Berthelsen's side of the property) at their own costs, additional to the trimming referred to in paragraph 3.
6. Erin Berthelsen agrees that if Kimberley McNamara and Bradley McNamara perform maintenance from their property, access to Erin Berthelsen's property will not be required.

For more information on QCAT

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7. If Kimberley McNamara and Bradley McNamara need to attend on Erin Berthelsen's property for further trimming, this should be arranged through the Property Manager or Tenant.

Signed

Member C Roney
Queensland Civil and Administrative Tribunal