



Queensland Civil and Administrative Tribunal

DECISION

Case number: NDR178-22

Applicant: Gary Allan Waddell, Belinda Lee Waddell

Respondent: Billy Lee Alderson

Before: Member Stilgoe OAM

Date: 6 November 2023

Proceeding Type: On the Papers

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Respondent must by 4:00 pm on 22 March 2024:
 - (a) At his cost, cut the African Tulip tree located on the common boundary to the Applicants' property to a stump. The Respondent is not required to remove the stump, but is required to poison the stump so it does not grow back; and
 - (b) The work is to be undertaken by a suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist.
2. If the work is not completed by 22 March 2024, the Applicants will be entitled to have the work performed to the standard in Order 1 (a) above.
3. If the Applicants are required to carry out the work in default of it being done by the Respondent:
 - (a) A suitably qualified tree lopper with appropriate insurance cover under the supervision of a suitably qualified arborist engaged by the Applicants (or successor in title) shall be entitled to enter the Respondent's land to carry out the work subject to the Applicant giving 14 days written notice of that intention to the Respondent at the Respondent's last known address; and
 - (b) The costs incurred by the Applicant engaging a tree lopper and arborist to do the work in default of the Respondent shall be recoverable from the tree keepers as a debt without further notice being given.
4. The Respondent and any tree lopper or arborist engaged by the Respondent to perform the work shall be entitled to enter the Applicants' property subject to 72 hours written notice being given of the work to be done.

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5. By 4:00 pm on 22 December 2023, the Respondent will pay to the Applicants \$450.00 for the damaged TV antenna provided:
 - (a) the Applicants file in the Tribunal and serve on the Respondent an invoice and receipt quantifying the \$450.00 amount within 14 days of the publication of these reasons.

Signed

A handwritten signature in black ink is written over a blue circular seal. The seal contains the text "QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL" around the perimeter. The signature is a cursive-style name, likely "Stilgoe".

Member Stilgoe OAM
Queensland Civil and Administrative Tribunal