

DECISION

Case number: NDR228-23
Applicant: Jay Thomas
Rachel Lee Thomas
Respondent: Van Bich Du
Toan Phuoc Luc
Before: Member Bishop
Date: 17 April 2025
Proceeding type: Compulsory Conference
Initiating document: Application for a tree dispute

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. **On or before 4:00pm on 1 November 2025, Van Bich Du and Toan Phuoc Luc** must remove all the *Bambusa sp* (discussed in Michael Sowden's Tree Assessment Report dated 20 October 2024) (the Bamboo) and to ensure the Bamboo does not regrow:
 - a) grind out the Bamboo's roots and rhizomes; and/or
 - b) poison the Bamboo.
2. **Van Bich Du and Toan Phuoc Luc** must engage a competent contractor with appropriate insurances (including Public Liability Insurance) (the Elected Contractor) to undertake the removal work outlined in Order 1.
3. If required, **Jay Thomas and Rachel Lee Thomas** must give the Elected Contractor access to their land to undertake the work outlined in Order 1 subject to **Van Bich Du and Toan Phuoc Luc** giving seven (7) days' notices.
4. **Van Bich Du and Toan Phuoc Luc** will be responsible for all costs associated with the removal work outlined in Order 1.
5. If **Van Bich Du and Toan Phuoc Luc**, fails to undertake any of the removal work outlined in Order 1 (the Outstanding Work), **Jay Thomas and Rachel Lee Thomas** can engage their own competent contractor with appropriate insurances (including Public Liability Insurance) to enter **Van Bich Du and Toan Phuoc Luc's** land and carry out the Outstanding Work subject to **Jay Thomas and Rachel Lee Thomas** giving 14 days written notice of that intention to **Van Bich Du and Toan Phuoc Luc**.
6. The costs incurred by **Jay Thomas and Rachel Lee Thomas** engaging their own competent contractor with appropriate insurances (including Public Liability Insurance) to undertake the Outstanding Work in default of **Van Bich Du and Toan Phuoc Luc** is recoverable from **Van Bich Du and Toan Phuoc Luc** as a debt without further notice being required to be given.

Signed

Member Bishop

Queensland Civil and Administrative Tribunal