



Queensland Civil and Administrative Tribunal

DECISION

Case number: NDR045-24
Applicant: Rioko Yajima
Respondent: Yujie Zhou, Xianglan Wang

Before: Member Poteri

Date: 15 October 2026
Proceeding Type: Tribunal Hearing
Initiating document: Application for a Tree Dispute filed on 28 March 2024

IT IS THE DECISION BY CONSENT THAT:

1. The application is dismissed.
2. Regarding the mango tree;
 - a) The respondents, must, at their cost, remove the mango tree and poison any stump of the mango tree by 4:00pm on 26 February 2027.
 - b) The respondents shall be entitled to retain any stump of the mango tree.
 - c) If the respondents fail to undertake the removal of the mango tree and the poisoning of any stump of the mango tree as outlined in orders 2(a) and (b) hereof ("Incomplete Work), the applicant shall be entitled to undertake any Incomplete Work on the giving of 28 days' notice in writing to the respondent. If this occurs, then the applicant's elected contractor shall be entitled to enter the respondent's land and carry out any of the Incomplete Work.
 - d) If the respondents undertake all the Incomplete Work prior to the expiration of the 28 days' notice period as outlined in Order 1(c) hereof, the applicant's or the applicant's contractor's entitlement to enter the respondents' land is extinguished and there will be no obligation for the respondent to pay any monies to the applicant.
 - e) Any costs incurred by the applicant in engaging a contractor to undertake any of the Incomplete Work in default of the respondents undertaking such Incomplete Work after the 28 days' notice has expired shall be recoverable from the respondents as a debt without further notice being required to be given by the applicant to the respondents.
3. Regarding the maintenance of the Jacaranda tree;
 - a) The respondents must, at their cost, prune the Jacaranda tree so that the maximum height is 5 metres in height by 4:00pm on 26 February 2027.
 - b) The respondent must undertake an annual pruning of the Jacaranda tree as required in order 3 (a) hereof on or before 26 February each year.

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- c) If the respondents fail to undertake any of the pruning and maintenance work outlined in orders 3(a) and (b) hereof ("Incomplete Work), the applicant shall be entitled to undertake any Incomplete Work on the giving of 28 days' notice in writing to the respondents. If this occurs then the applicant's elected contractor shall be entitled to enter the respondents' land and carry out any of the Incomplete Work.
- d) If the respondents undertake all of the Incomplete Work prior to the expiration of the 28 days' notice period as outlined in Order 3(c) hereof, the applicant's or the applicant's contractor's entitlement to enter the respondents' land is extinguished and there will be no obligation for the respondent to pay any monies to the applicant.
- e) Any costs incurred by applicant in engaging a contractor to undertake any of the Incomplete Work in default of the respondents undertaking such Incomplete Works after the 28 days' notice has expired, shall be recoverable from the respondents as a debt without further notice being required to be given by the applicant to the respondents.

Signed



Member Poteri
Queensland Civil and Administrative Tribunal