

## DECISION

**Case Number:** NDR193-16

**Applicants:** Body Corporate - Highlands Vista CTS 38691  
Carol Eve Fayers  
Daniel Van Heerden Nel  
Michael Wayne Ryan  
Patricia Sandra Ryan  
John Jeffrey Cork

**Respondents:** David Anthony Taylor  
Dianne Barbara Taylor

**Before:** Member Hughes

**Date:** 17 July 2018

**Proceeding Type:** Tribunal Hearing

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IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The Notice to Admit Facts is struck out.
2. Carol Eve Fayers' application is dismissed.
3. David Anthony Taylor and Dianne Barbara Taylor, the registered owners of 37 Lapraik Street, Albion, Queensland, 4010 ('the Tree-Keeper') will arrange to have the following works carried out on the trees the subject of the dispute ('the Initial Works') within 30 days:
  - (a) Canopy reduction pruning to 5.0 metres in height of the two Weeping Lilly Pilly trees (*Waterhousia floribunda*) described as Trees 'B' and 'C'; and
  - (b) Canopy reduction pruning of 1.0 metres of the two Chinese Elm trees (*Celtis sinensis*) described as Trees 'D' and 'E' and surrounding Bamboo and removal of the vine growing over Tree 'E'.
4. The Tree-Keeper will perform maintenance pruning at intervals not exceeding eight months to maintain the canopy of the trees and Bamboo at their height and spread after the Initial Works ('the Maintenance Works').
5. The Tree-Keeper will remove all tree debris from the properties after the recommended pruning is performed.
6. The Initial Works and the Maintenance Works must be completed:
  - (a) In accordance with all applicable Australian Standards for pruning of amenity trees; and
  - (b) By an appropriately insured arborist with a minimum of Australian Qualifications Framework level 3 in Arboriculture.

**For more information on QCAT**

7. The costs of the Initial Works and the Maintenance Works are to be paid as and when they fall due as follows:
  - (a) Tree 'B' – Tree-Keeper to pay one-half and John Jeffrey Cork to pay one-half ;
  - (b) Tree 'C' – Tree-Keeper to one-half, Daniel Van Heerden Nel to pay one-sixth, Patricia Sandra Ryan and Michael Wayne Ryan together to pay one-sixth and John Jeffrey Cork to pay one-sixth; and
  - (c) Trees 'D' and 'E' – Tree-Keeper to pay one-half, Daniel Van Heerden to pay one-quarter and Patricia Sandra Ryan and Michael Wayne Ryan together to pay one-quarter.

Signed

Member Hughes  
**Queensland Civil and Administrative Tribunal**