

DECISION

Case number: NDR077-23
Applicant: Ian James Moses
Respondent: Tim Kaehler
Carolyn Kaehler (nee Campbell)

Before: Member Bishop
Date: 17 July 2024
Proceeding type: Directions Hearing

IT IS THE DECISION OF THE TRIBUNAL BY CONSENT THAT:

1. The Respondents, **Tim Kaehler and Carolyn Kaehler** must, as a gesture of goodwill and neighbourliness, relocate the two juvenile Silky Oak trees (identified as Tree No. 2 and Tree No. 3 in Mr Steven Richards' Tree Assessment Report dated 12 February 2024) (Tree 2 and Tree 3) no less than five (5) metres from the parties shared common boundary **on or before 4:00pm on 20 September 2024**.
2. The Respondents, **Tim Kaehler and Carolyn Kaehler** must prune the group of four mature trees consisting of Sheena Gold, Hibiscus and Brazilian Pepper (identified as Tree No. 4 in Mr Steven Richards' Tree Assessment Report dated 12 February 2024) (Tree 4) in the month of **January** and in the month of **July** each year to establish Tree 4 is setback at least 500 millimetres from the parties shared common boundary.
3. The Respondents, **Tim Kaehler and Carolyn Kaehler**, must prune the group of four mature trees consisting of Sheena Gold, Geisha Girl and Bottlebrush (identified as Tree No. 5 in Mr Steven Richards' Tree Assessment Report dated 12 February 2024) (Tree 5) in the month of **January** and in the month of **July** each year to establish Tree 5 is setback at least 500 millimetres from the parties shared common boundary.
4. The Respondents, **Tim Kaehler and Carolyn Kaehler**, will be responsible for all costs associated with undertaking the work outlined in Order 1, Order 2 and Order 3.
5. If the Respondents, **Tim Kaehler and Carolyn Kaehler**, fail to undertake any of the work outlined in Order 1, Order 2 or Order 3 (the Incomplete Work), the Applicant, **Ian James Moses**, elected contractor with appropriate insurances (including Public Liability Insurance) shall be entitled to enter the Respondents', **Tim Kaehler's and Carolyn Kaehler's**, land and carry out any of the Incomplete Work subject to the Applicant, **Ian James Moses**, giving **14 days written notice** of that intention to the Respondents, **Tim Kaehler and Carolyn Kaehler**.
6. If the Respondents, **Tim Kaehler and Carolyn Kaehler**, undertake all of the outstanding Incomplete Work prior to the 14 days written notice period expiring as outlined in Order 5, the Applicant's, **Ian James Moses**, elected contractor's entitlement to enter the Respondents' **Tim Kaehler's and Carolyn Kaehler's**, land is extinguished.

7. The costs incurred by the Applicant, **Ian James Moses**, engaging a contractor to undertake any of the Incomplete Work in default of the Respondents, **Tim Kaehler and Carolyn Kaehler**, shall be recoverable from the Respondents, **Tim Kaehler and Carolyn Kaehler**, as a debt without further notice being required to be given.

Signed

A handwritten signature in cursive script, appearing to read 'Bishop', is written over a circular official seal. The seal contains the text 'QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL' around its perimeter.

Member Bishop
Queensland Civil and Administrative Tribunal