

## DECISION

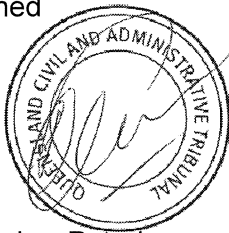
**Case number:** NDR026-25  
**Applicant:** Patrick John Philp  
Roberta Clair Philp  
**Respondent:** J Morgans Pty Ltd  
**Before:** Member Poteri  
**Date:** 29 April 2026  
**Proceeding type:** Compulsory Conference  
**Initiating document:** Application for a tree dispute filed 23 January 2026

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IT IS THE DECISION OF THE TRIBUNAL THAT:

1. The application is dismissed;
2. The respondent must remove the subject tree and must poison any remaining stump and the root system of the subject tree (Works), at the respondent's cost, by 4pm on 27 July 2026
3. Upon completion of Works the respondent shall give the applicants notice in writing by text or email of the completion of the Works, whereupon the applicants must pay the sum of \$1,000 into the respondent's nominated bank account within 14 days of receiving such written notice.
4. If the respondent fails to complete any of the Works, which will be referred to in this order as Incomplete Works, then the applicants, on the giving of 14 days' notice in writing to the respondent, shall be entitled to engage a contractor to undertake any of the Incomplete Works. The applicants' elected contractor shall be entitled, at the expiration of the 14 days' notice, to enter onto the respondent's land to undertake any of the Incomplete Works.
5. If the respondent completes all the Incomplete Works prior to the expiration of the 14 days' notice referred to above, then the applicants' right and the applicants' elected contractor's right to enter the respondent's land and undertake the Incomplete Works is extinguished.
6. Any costs incurred by the Applicants in undertaking and completing any of the Incomplete Works in default of the respondent undertaking any of the Incomplete Works shall be recoverable from the respondent as a debt without further notice required to be given by the Applicants to the respondent.

Signed



Member Poteri  
Queensland Civil and Administrative Tribunal