

DECISION

Case Number: NDR094-12

Applicants: Dennis Robert Hannah
Katarzyna Kazmierczak & Mariusz Pecak

Respondent: Martin Baumann

Before: W LeMass, Adjudicator

Date: 18 July 2013

Proceeding Type: Tribunal Hearing

Delivered On: 6 September 2013

IT IS THE DECISION OF THE TRIBUNAL THAT:

1. With respect to the issue of damage to the wall and serious damage likely to be caused to the wall I order that all trees, shrubs, palms, vines and bamboo be removed within an area defined on one side by the face of the wall and on the other a line being 4 meters away from the wall as measured at 90 degrees to the wall and for the length of the respondent's boundary with the applicants and as approximately indicated by line 1 on the attached sketches 1 & 2. Such area to be maintained free of vegetation other than grass in the future.
2. With respect to the interference with the use and enjoyment of the Applicant Hannah's land, I order that the clump of Bamboo indicated at number 8 on the attached sketch 1 be removed and that no further planting take place of a species which would exceed the height of the fences at the rear of 36 and 38 Dargie Street, Everton Park.
3. The works stated in the above 2 paragraphs must be carried out within 60 days of the date of this decision.

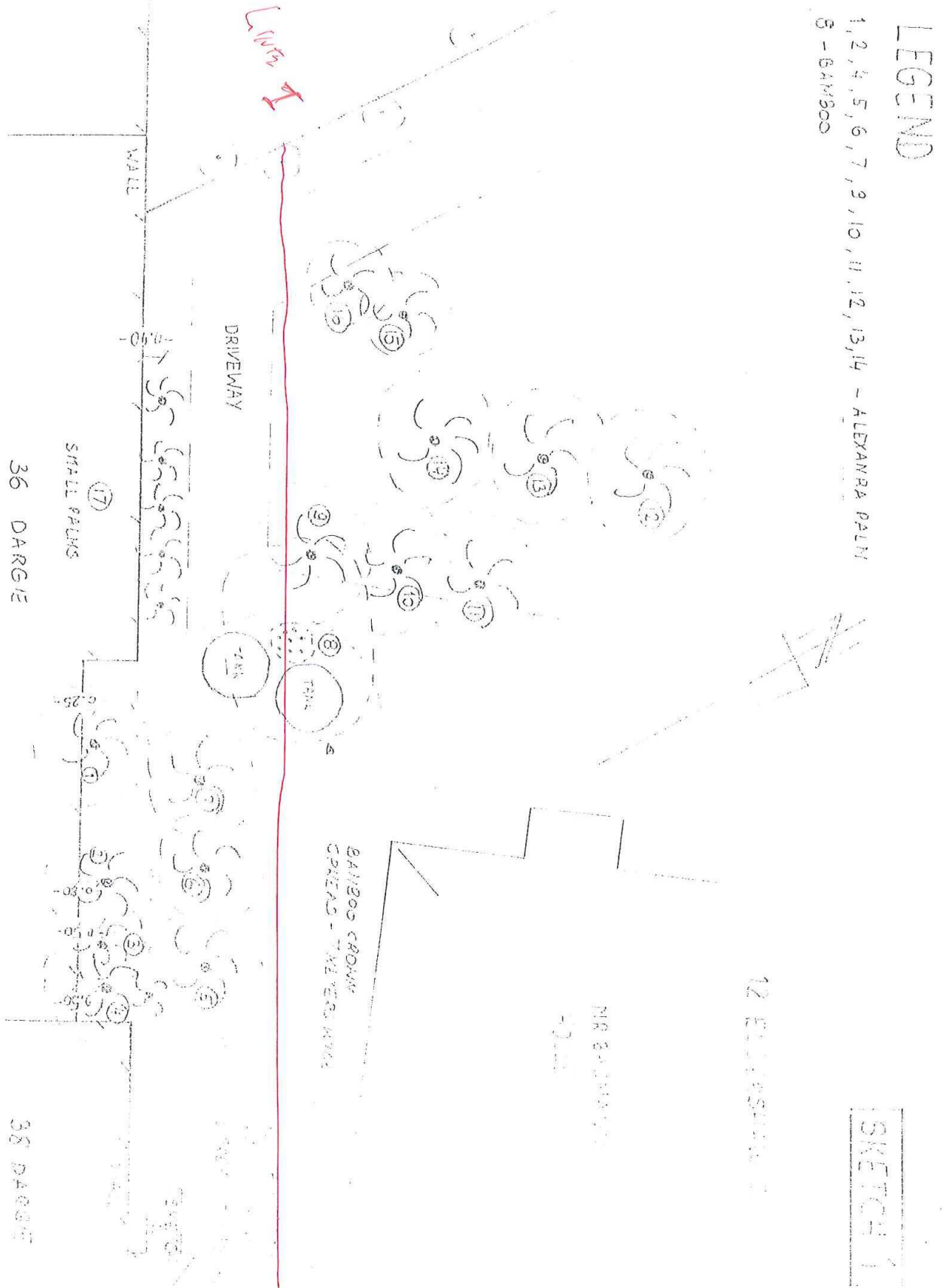
W LeMass
Adjudicator
Queensland Civil and Administrative Tribunal

For more information on QCAT

Call 1300 753 228 or visit www.qcat.qld.gov.au
GPO Box 1639, Brisbane Qld 4001 Fax: 07 3221 9156
Email: enquiries@qcat.qld.gov.au ABN: 13 846 673 994



Sketch 1



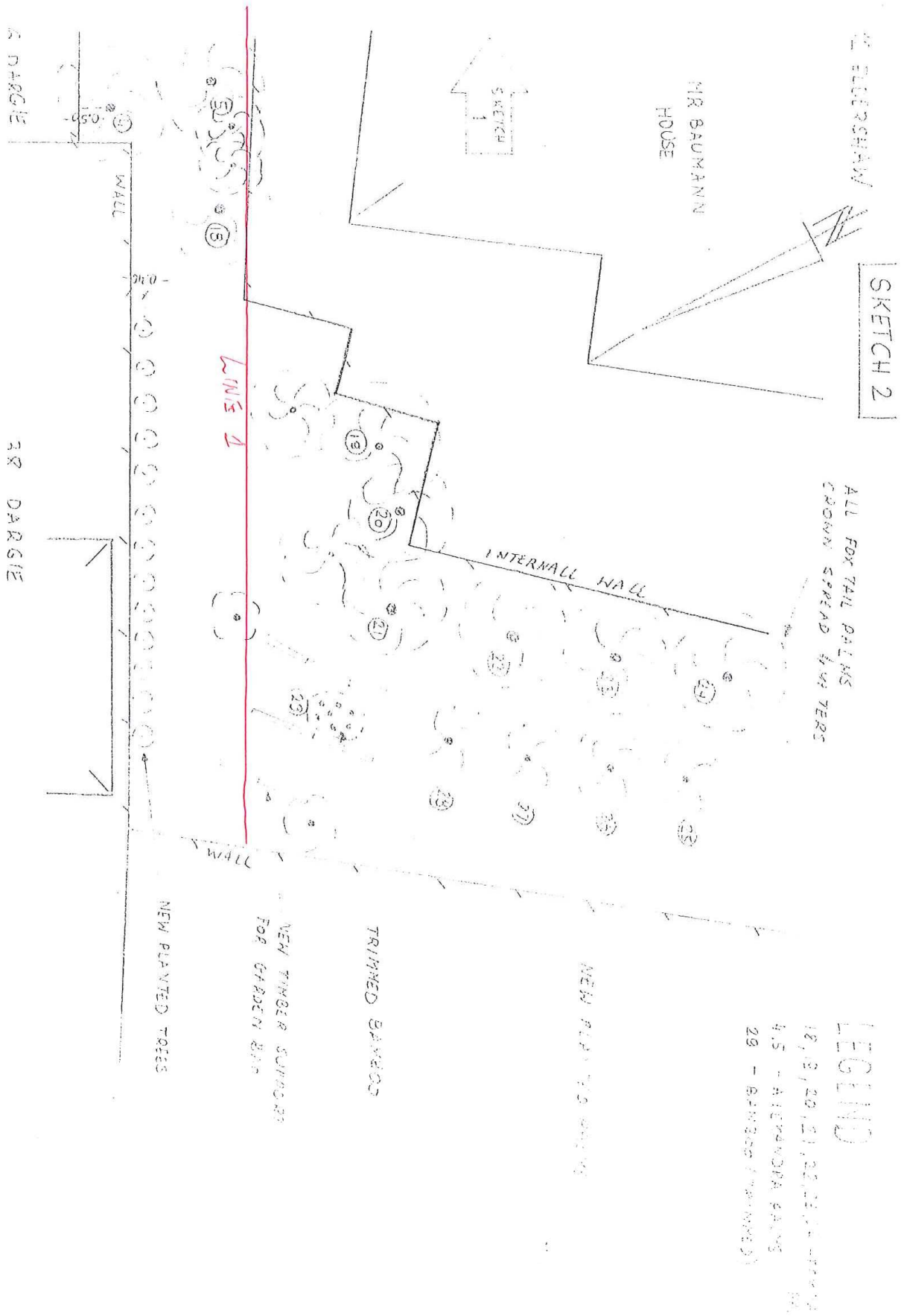
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Sketch 2



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