

**IN THE DISTRICT COURT
AT MANUKAU**

CIV-2017-092-4398

IN THE MATTER

of an application for an order requiring trees
be trimmed

UNDER

the Property Law Act 2007

BETWEEN

DAVID RAMSAY FORBES, of 6 Judkins
Crescent, Cockle Bay, Auckland 2014

Applicant

AND

**PETER REGINALD LE GRICE AND DEBORAH
ANNE LE GRICE**, of 4 Judkins Crescent, Cockle
Bay, Auckland 2014

Defendants

ORDERS OF THE COURT



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ORDERS OF THE COURT

Before His Honour Judge Christiansen

The Court makes the following orders by consent as agreed between the parties:

1. The Titoki trees (including any planted subsequent to the date the order is made) on the eastern boundary between the parties properties at 4 and 6 Judkins Crescent, Cockle Bay will be trimmed annually to a height not exceeding 4 metres measured from the ground level at the foot of the trees.
2. The younger plum tree in the backyard at 4 Judkins Crescent will also be trimmed annually to a height to match the height of the Titoki trees.
3. The older plum tree and the guava trees will be trimmed annually to a height not exceeding 4.5 metres measured from the ground level at the foot of the trees.
4. The trees along the driveway access to 6 Judkins Crescent will be trimmed annually to a height not exceeding the horizontal line from the trimmed height of the Titoki trees referred to in paragraph 2.
5. The annual trimming will be carried out in the month of June each year.




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6. The respondents shall appoint and instruct an appropriately qualified and independent arborist to carry out the work.
7. The applicant will meet half the cost of the trimming and shall within 14 days of being provided with the final invoice of the arborist transfer funds to that half value to the respondents.
8. In the event that the respondents fail to arrange the annual trimming prior to 30 June in any year, the applicant will give written notice that unless the trimming is completed prior to 31 July of that year he will appoint and instruct an appropriately qualified and independent arborist to carry out the work.
9. If it is necessary for the applicant to instruct an arborist as set out in paragraph 9 the arborist instructed shall have public liability insurance and shall be permitted access to the respondent's property for the purpose of carrying out the work. The work shall be completed on any ordinary working day and reasonable efforts shall be made to agree a date and time with the respondents.
10. In the event that the applicant is required to instruct the arborist the respondents shall be responsible for meeting half the cost in the same terms as set out in paragraph 8.
11. The parties are agreed that there are no issue as to costs and the costs in this matter will lie where they fall.

Dated 13th May 2019




Gemma Amor Reomero
Deputy Registrar
District Court of New Zealand
(Deputy) Registrar