

Trees on Private Property – Information Sheet

Who is responsible for trees on private property?

It is the responsibility of the landowner to regularly inspect trees on their property to ensure they are in a safe condition.

The Town has no authority regarding trees on private property unless they are deemed an acute hazard, such as the potential to cause injury or damage to a person or thing, or are subject to a Tree Preservation Order.

My neighbour's tree is a nuisance, what can I do?

The Town recommends you first talk to your neighbour to try and resolve the issue. You can ask your neighbour to trim back the tree.

If a tree from a neighbouring property has branches and/or roots that encroach into your land, you are entitled to remove the material up to the boundary of your property without the prior approval of your neighbour. Take care not to cause unnecessary damage to the health of the tree.

You must not cut the branch or root on your neighbour's side of the boundary without their agreement, nor are you entitled to enter the neighbouring property to do this without prior permission.

Any material removed from a neighbouring tree still belongs to the tree's owner and should be returned. Care must be taken when pruning and returning the pruned branches as you may be liable for any damage you may cause.

Advising your neighbours of damage

Repairing damage caused by a neighbour's tree can be costly. Roots can damage foundations, fences, block drains or raise brick paving. Costs for work or repairs carried out on your property should be met by the owner of the tree.

If you need to have repairs done or need to seek the services of a specialist to remove roots or branches, first write a letter to your neighbour setting out what the damage to your property is and requesting that your neighbour take steps to remedy the situation. The following information should be included:

- Copies of quotes for repairs and/or specialist work required.
- A request that the neighbour pay to fix the problem and prevent it from happening again.

You should keep a copy of your letter.

Payment for damage caused by neighbour's trees

Once your neighbour has been made aware of the problem they have a legal responsibility to fix it. If there is a cost involved, you should reach an agreement with your neighbour about who will pay the costs before work is commenced. If you cannot reach an agreement with your neighbour you may have to apply to court for an order that legally obliges your neighbour to have the branches or roots removed and/ or the damage to the property fixed.

Dangerous Trees

If you consider a tree on neighbouring property to be dangerous, you must first discuss the matter with your neighbour to try and resolve the problem.

The complainant should follow the process listed below before requesting the Town to intervene:

1. Approach the owner of the tree and attempt to arrive at an amicable solution.
2. If the above does not resolve the issue, a written request must be supplied to the tree owner requesting the required work to be undertaken on their tree.
3. If this does not resolve the issue, obtain a written report from a qualified arboricultural consultant. This will determine whether the tree is structurally sound or represents a potential danger. Supply the owner of the tree with a copy of this report with a further request to carry out the required work.
4. The Town may become involved if the consultant finds the tree to be unsound and in need of pruning or removal, and if the tree owner does not carry out the obligation on their part to remove or prune the tree and the complainant cannot resolve the issue by themselves.
5. It is open to the Town to form the view that the tree is dangerous and is required to be made safe. The Town may elect to issue a notice under section 3.25 of the Local Government Act 1995 to ensure compliance.