

## Tree Disputes with Neighbours

There are laws that relate to many common disputes between neighbours, including damage or injury caused by a neighbour's trees.



### Tree Disputes

Disputes about trees generally relate to branches growing over fences, roots spreading across boundaries or other nuisances such as dropping leaves or seeds that clog gutters.

It is not commonly known, but property owners are responsible for tree branches that overhang onto a neighbour's property or for roots that spread across boundaries into a neighbour's property.

If branches from a neighbour's tree hang over your side of the fence, you can cut off the overhanging branches and place them on the neighbour's side. If cutting off the overhanging branches is not practical, then discussions should be had with the neighbour about getting a professional to lop the branches.

If roots from a neighbour's tree cause damage to plumbing and foundations, then you can remove the roots on your side of the property. It is prudent to obtain expert opinions from plumbers or engineers concerning the damage caused by the tree roots to help resolve disputes about the cause of the damage.

### What can you do?

Currently, in Victoria, neighbours are encouraged to resolve their disputes informally. However, this often does not have the desired effect, as people are unaware of their rights and responsibilities. Further, matters can escalate quickly, making it difficult to continue living next door to each other.

Dispute resolution is a method encouraged to resolve these types of disputes. Mediation is a cost-effective process and can be attended to promptly. However, it is essential to remember that mediation is not always successful, particularly in long-running disputes.

In some situations, the only option to resolve the dispute is to take the matter to court. Court action is often costly, complex and time-consuming. Damages may be available where actual damage to property is shown. However, proving that a tree caused the damage is often tricky, especially where expert opinions differ.

**For further information on neighbourhood disputes, please contact us at 5303 0281 or [property@ballaratlawyers.com.au](mailto:property@ballaratlawyers.com.au).**

For more information on our conveyancing arm, click [here](#).

*The information on this website is general only. It is not legal advice, nor is it intended to be. You should consult a lawyer for individual advice about your particular circumstances.*

Liability is limited by a scheme approved under Professional Standards Legislation.

Click [here](#) to go back to Publications.