

Trees and neighbours

Information sheet

IMPORTANT NOTE: issues between neighbours over trees and vegetation are a civil matter and not one that the Council has any jurisdiction over.

Trees help protect our privacy, provide homes for our feathered friends, and they're perfect for kids' huts. Many of us don't give trees much thought until they're someone else's – and impacting on your property.

Roots dislodging your foundations. Leaves blocking your gutters. Your million-dollar view turning into a leafy hundred-dollar view, lowering the value of your home while raising the blood pressure.

Trees can cause neighbours considerable distress, particularly when they belong to the friendly folk over the fence, so what are your rights when it comes to the neighbour's trees?

Go straight to the root of the problem

To address any kind of tree-related tension, talk to your neighbours first. As frustrating as their trees might be, they may have no idea that they're even an issue. So give them an opportunity to fix the problem themselves.

It's your right as a landowner to enjoy your property. However, your neighbours have this right too. Therefore, no property owner is allowed to take matters into their own hands unless the tree is on their property.

You do, however, have the right to trim any branches from a neighbour's tree that hang over your property; this is called "abatement".

Resolving disputes

For disputes that can't be solved privately, you may have to call in the mediators but it's worth noting that this process is voluntary for both parties.

The Disputes Tribunal can hear claims for property damage up to the value of \$15,000 and disagreements that aren't covered by the Disputes Tribunal (such as the loss of light or views, and

trimming or removing the tree altogether), can be lodged at the District Court.

This can be an expensive process and usually requires legal support, so prepare to open your wallet. Photographic evidence is always useful.

Cutting down a tree

Some trees are protected by the council for reasons including species, height, or heritage.

Our New Zealand natives are precious so even if your neighbour agrees to remove a tree that's bugging you, they may not be able to legally.

Always seek specialist council or arborist advice before cutting down a tree – you can ask on [Neighbourly.co.nz](https://www.neighbourly.co.nz) for a recommendation of a good local arborist that you can approach.

Who pays?

The general rule of thumb is that if a tree is on your neighbour's side of the fence, it's their responsibility to pay for any damages caused to your property. If it's on the boundary, you may need to split the cost.

You're legally allowed to trim branches and roots from your neighbour's tree if they have inched over to your property, however it's unlikely that you'll be able to claim back any costs incurred.

If the tree is causing a nuisance rather than damage (such as blocking light or restricting views) the owner of the tree may still be liable to pay for costs to rectify the situation.

This is best referred to the Disputes Tribunal if you cannot get agreement with your neighbour.