

## Raintree's showers of strife leave neighbours at odds



Shi Ka Yee has hit the headlines several times this year for offences involving her Ferrari car. She also pleaded guilty yesterday to another drink-driving charge from a separate incident. ST PHOTO: KIA CHEE SIONG



The towering raintree at the centre of an acrimonious dispute that has branched out into court hearings between neighbours in the posh Astrid Hill area. PHOTO: DANIEL NEO FOR THE SUNDAY TIMES

A majestic raintree is at the root of a dispute between two neighbours in the posh Astrid Hill district.

Things came to a head last year when a worker was left stuck up in a cherry picker, needing rescue, and one of the neighbours felt at risk of being run over by a car driven by the other.

These led to claims in court concerning nuisance, trespass and assault. But though a judgment was handed down last month, the case is not yet over.

The conflict sprouted soon after Mr Nasrat Lucas Muzayyin moved into a modern bungalow at the end of a short cul-de-sac in Astrid Hill in July 2014, with his wife Priscilla Goh and their young daughter.

Looming over their wall was a towering raintree belonging to their neighbour Shi Ka Yee. According to the oral judgment by District Judge Chiah Kok Khun, delivered on June 24, "by all accounts, (Ms Shi) has a deep affection for the raintree".

But her neighbours were less enamoured of its falling leaves and branches, which they feared could cause injuries or property damage.

In October 2014, they made a request to the National Parks Board to trim the branches and were told to seek Ms Shi's consent.

After receiving first a letter, then an e-mail, Ms Shi said in mid-November that she would trim the tree herself. When that did not happen, even after a reminder in January last year, the couple told her late that month that they would engage a contractor to prune the tree.

It is understood that Ms Shi's bungalow has been undergoing renovations for some time and that she is now living in the Nassim Road area.

On the morning of Feb 17, workers arrived in a truck with a cherry picker and started work.

Less than an hour later, Ms Shi drove up, having been alerted to the situation. She blasted her car horn, got out and entered her neighbour's property, allegedly shouting and swearing when Mr Muzayyin emerged.

Told to leave, she did - but returned and took the keys from the truck's ignition, leaving a worker stranded up in the cherry picker.

The police were called.

Ms Shi tried to drive off. When Mr Muzayyin stood in front of the car, asking her to return the truck's keys, she revved her engine and edged closer.

Eventually he stepped aside and she drove off. The worker was stuck in the cherry picker for 1½ hours before being rescued by the police and Singapore Civil Defence Force.

The couple sued her for nuisance, trespass and assault.

In a report to the court, Ms Shi's arborist confirmed that the rain tree had dead branches within the area of both properties that "would fall, and posed a hazard".

Judge Chiah found that falling branches and dripping sap from the aborted trimming did constitute "nuisance".

He also found that Ms Shi had trespassed, and was liable for assault when she revved her engine with Mr Muzayyin in her path, though not when shouting profanities.

In all, he awarded \$4,300 in damages for the nuisance, \$4,000 for trespass and \$1,500 for assault.

Judge Chiah also ordered Ms Shi to trim the tree's branches by last Thursday, failing which the couple would be at liberty to engage their own tree-cutting contractor.