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DISTRICT JUDGE SAMUEL WEE CHOONG SIAN
11 DECEMBER 2025

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGDC 303

District Court Suit No 1749 of 2021

Between

Tan Shuh Lin (Administrator of the Estate of Tan Kut Fai, Deceased)

… *Plaintiff*

And

Loong Kai Jun Matthew

… *Defendant*

JUDGMENT

Land — Strata titles — By-laws — Whether the by-laws prohibited a subsidiary proprietor from owning a Corgi

Tort — Negligence — Duty of care — Whether dog owner owes a duty to take reasonable care in handling or controlling his dog — The standard of care required by a dog owner

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Tort — Negligence — Duty of care — Whether dog owner should prevent his dog from barking

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Tan Shuh Lin (Administrator of the Estate of Tan Kut Fai, Deceased)
v
Loong Kai Jun Matthew

[2025] SGDC 303

District Court Suit No 1749 of 2021
District Judge Samuel Wee
25 November 2024, 7 March 2025, 22 and 23 September 2025, 18 November 2025

11 December 2025 Judgment reserved.

District Judge Samuel Wee:

Introduction

1 Mr Tan Kut Fai ("Mr Tan") was waiting at his condominium's carpark lobby when his neighbour's Corgi dog ("Corgi") exited the lift ("Condo Lift"). Upon seeing the Corgi, he fell, hit his head and suffered a traumatic brain injury ("Incident").[1] Through his daughter, Ms Tan Shuh Lin (who was his litigation representative before he passed away), he commenced this action against the neighbour, the Defendant, for negligence in how he handled or controlled the Corgi when exiting the Condo Lift and for breach of the condominium by-laws

[1] Plaintiff's Affidavit of Evidence-in-Chief ("AEIC") of Tan Shuh Lin ("PFAEIC_TSL")_[6], [54], [59], 23-28.

("Condo By-laws").[2] As Mr Tan passed away after the trial commenced, Ms Tan Shuh Lin was substituted as the Plaintiff in the action in her capacity as the administrator of his estate ("Estate") under Order 15 rule 7 of the Rules of Court (Cap 332, R5, 2014 Rev Ed).[3]

2 I dismiss the Estate's claim. While Mr Tan's predicament is tragic, the Estate has no recourse against the Defendant, who was not negligent and did not breach the Condo By-laws.

Background

The condominium

3 Mr Tan and the Defendant were subsidiary proprietors and residents of the same condominium ("Condo"). They lived on the same floor in units opposite each other,[4] and were serviced by the same lift.[5]

4 Mr Tan purchased his unit and had lived in the Condo since 2014,[6] while the Defendant purchased his unit and had lived in the Condo since 2016.[7] The Defendant had owned the Corgi since November 2016.[8]

5 As subsidiary proprietors of the Condo, Mr Tan and the Defendant were bound by the Condo By-laws under s 32(6) of the Building Maintenance and

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[2] Plaintiff's Closing Submissions ("PFClosingSubs")_[3].

[3] Order of Court No. DC/ORC 1489/2025.

[4] PFAEIC_TSL_[3].

[5] PFClosingSubs_[1]; Defendant's AEIC of Loong Kai Jun Matthew ("DFAEIC_LKJM")_[7].

[6] PFAEIC_TSL_[4].

[7] DFAEIC_LKJM_[5].

[8] DFAEIC_LKJM_[8].

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Strata Management Act 2004 (2020 Rev Ed) ("BMSMA"). The relevant provisions of the Condo By-laws are as follows:[9]

(a) Paragraph (k) of Part 1 states:

> "Household Pet" means domestic cats and dogs, rabbits, aquarium fishes and such other animals (except horses, cattle, sheep, goats, poultry, ducks and domestic pigs) which do not fall within the definition of "wild animals and birds" under the Wild Animals and Birds Act (Cap 351, Singapore Statutes 1985 Edition).

(b) Paragraph C(a) of Part 2 ("Small Breed By-law") states:

> Residents may only keep household pets provided that the number is not excessive. Only dogs of small breed as defined by the relevant authorities are allowed.

For reasons explained at [50] to [56] below, it is not possible to ascertain whether a Corgi falls within the definition of a dog of "small breed as defined by the relevant authorities".

(c) Paragraph C(b) of Part 2 states:

> Pets on common property must be leashed at all times.

(d) Paragraph C(e)(i) of Part 2 ("Short Leash By-law") states:

> Pets are not allowed to be in common corridors, staircases, landscaped deck, driveway, tennis court, swimming pool, wading pool, sauna, gymnasium room, multi-purpose hall, barbecue pit and playground. **When in transit in lifts they shall be carried or on a short leash.**
>
> [Emphasis added.]

(e) Paragraph C(g) of Part 2 ("Leash and Control By-law") states:

> Livestock or other animals shall not be allowed or kept in any part of the building, except that dogs, cats and

[9] 1PBD_22-51.

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> other common household pets, not exceeding a reasonable number, may be kept by the residents in their respective apartments. **All dogs must be kept on leash and under the control of their owners at all times.** Pet owners should accompany their pets at all times while on the common property. Pets that cause nuisance or unreasonable disturbance to any resident shall be promptly restrained upon notice given by the Management. Pet owners shall be held responsible for the nuisance caused by their pets.
>
> [Emphasis added.]

6 Under s 32(10) of the BMSMA, Mr Tan was entitled to apply to Court to "recover damages for any loss or injury to person or property arising out of the breach of any by-law" against the Defendant.

The Incident

7 On 21 March 2019, the Defendant decided to take the Corgi for a walk. He used a 4ft long leash to secure the Corgi, and shortened it to 3ft by holding it 1ft from the end.[10] He entered the empty Condo Lift and went down.[11]

8 At that time, Mr Tan was waiting for the Condo Lift at the basement carpark lobby.[12]

9 When the Condo Lift's door opened at the basement carpark lobby, the Corgi exited slightly ahead of the Defendant.[13] In this regard, I disagree with the Estate's argument that I should disregard the Defendant's testimony regarding the Incident because the Defendant insisted during the trial that he exited the

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[10] Transcript for 22 September 2025 ("3TRANS")_PDF59:22-28, PDF87:19-PDF89:16. **[Day of Trial]TRANS_[PDF Page Number]:[Lines]*.

[11] DFAEIC_LKJM_[10]-[12].

[12] PFAEIC_TSL_[5].

[13] DFAEIC_LKJM_[8].

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Condo Lift side-by-side with the Corgi, even though the Condo's closed-circuit television system ("Video Footage") shows otherwise.[14] While the Corgi may have exited the lift before the Defendant, I accept the Defendant's explanation that he still considered the Corgi to be walking beside him,[15] because the Corgi was on a short leash and could not have strayed far from the Defendant (see [46] below) and the quality of the Video Footage only captured the Corgi's initial position without adequately depicting how the Defendant stepped out immediately after.[16]

10 Mr Tan was shocked by the Corgi, fell backwards and hit his head.[17]

11 The Incident was recorded on the Video Footage.[18] The quality of the Video Footage is, however, poor[19] – it is, as the Defendant has described, a "one frame per second" recording that does not capture the detailed sequence of motion (ie. there are only four photographs to show what happened over four seconds).[20]

12 The Estate asserts that the Corgi exited the Condo Lift suddenly, barked and lunged towards Mr Tan.[21] The Defendant contends that the Corgi did not bark or lunge towards Mr Tan and had merely veered right when it walked out

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[14] PFClosingSubs_[49].

[15] 3TRANS_PDF59:6-10, PDF91:7-18.

[16] Defendant's Closing Submissions ("DFClosingSubs")_[82].

[17] PFAEIC_TSL_[6], [13].

[18] Plaintiff's AEIC of Rasida Binte Rahmat ("PFAEIC_RBR")_[3]-[5].

[19] PFClosingSubs_[53]; Plaintiff's Reply Submissions ("PFReplySubs")_[10].

[20] DFClosingSubs_[7]; Defendant's Opening Statement ("DFOpening")_[4(i)]; DFAEIC_LKJM_[18(a)].

[21] PFClosingSubs_[2]; PFAEIC_TSL_[6].

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of the Condo Lift.[22] For reasons explained at [30] to [38] and [43] below, I find that the Estate has not discharged its burden of proving that the Corgi barked or lunged towards Mr Tan.

13 After Mr Tan fell, the Defendant let go of the Corgi's leash and went to his aid.[23] The Defendant subsequently accompanied Mr Tan to the hospital, as according to the Defendant, Mr Tan's wife was apparently "annoyed with [Mr Tan] because she said that she had told [him] not to leave the house and he did not listen" and did not wish to accompany Mr Tan to the hospital.[24]

The aftermath of the Incident

14 Mr Tan was treated at Changi General Hospital and diagnosed with a traumatic brain injury.[25] After the Incident, he was no longer able to function independently, and had to rely on assistance for his mobility and self-care.[26]

15 Mr Tan lacked capacity to conduct legal proceedings relating to the Incident. Consequently, his daughter, Ms Tan Shuh Lin, was appointed as his deputy under Order of Court No. MCA/ORC 230/2021,[27] and these proceedings were commenced.

16 The first two days of trial took place on 25 November 2024 and 7 March 2025, before Mr Tan passed away. Mr Tan did not give evidence regarding the

---

[22] DFAEIC_LKJM_[16].

[23] DFAEIC_LKJM_[14].

[24] DFAEIC_LKJM_[34], [36].

[25] PFAEIC_TSL_[54], [59], 23-28.

[26] PFAEIC_TSL_[59], 25-28.

[27] PFAEIC_TSL_[1], 20.

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Incident as he lacked capacity. Following Mr Tan's passing in April 2025, Ms Tan Shuh Lin was substituted as the Plaintiff in her capacity as the administrator of the Estate, and the trial continued on 22 and 23 September 2025.

17 The issues to be dealt with in these proceedings revolve around:

(a) The Estate's claim that the Defendant was negligent in how he handled or controlled the Corgi.

(b) The Estate's claim that the Defendant breached the Condo By-laws.

The Defendant was not negligent in how he handled or controlled the Corgi

18 The Estate asserts that the Defendant was negligent because he did not take reasonable care in handling or controlling the Corgi when exiting the Condo Lift.[28] The Estate relies on the following allegations in support of its claim:

(a) The Corgi was an aggressive dog.[29]

(b) The Corgi lunged towards Mr Tan when the Condo Lift's door opened.[30]

(c) The Corgi barked at Mr Tan when the Condo Lift's door opened.[31]

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[28] Statement of Claim (Amendment No. 1)_[9].

[29] PFClosingSubs_[35].

[30] PFClosingSubs_[3], [53]-[59].

[31] PFClosingSubs_[3], [60]-[64].

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(d) The Corgi was not kept on a short leash.[32]

The Defendant owed a duty to take reasonable care in handling or controlling the Corgi

19 The test for determining the existence of a duty of care is set out in the Court of Appeal decision of *Spandeck Engineering (S) Pte Ltd v Defence Science & Technology Agency* [2007] 4 SLR(R) 100 ("*Spandeck*") at [73] and [115]. It is a two-stage test of (a) proximity and (b) policy considerations, with a threshold requirement of factual foreseeability.

20 The threshold requirement of factual foreseeability is satisfied as it was foreseeable to the Defendant that someone could fall and be injured if the Defendant did not handle or control the Corgi appropriately when exiting the Condo Lift.

21 The first stage of proximity is satisfied (*Spandeck* at [81]). There was physical, circumstantial and causal proximity as Mr Tan fell as a result of the Incident involving the Defendant and his dog. There was also an assumption of responsibility by the Defendant and reliance by Mr Tan that the Defendant would take reasonable care in handling or controlling the Corgi when exiting the Condo Lift. Further, it is pertinent that the Condo By-laws set out various requirements that pet owners such as the Defendant had to follow.

22 Under the second stage, there are no policy considerations that point against a duty of care arising.

[32] PFClosingSubs_[4], [28], [48].

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23 In this regard, the English Courts have previously found that pet owners owe a duty of care to others, and there is no reason why the Singapore Courts should find otherwise.

(a) In *Fardon v Harcourt-Rivington* [1932] All ER Rep 81, the defendant's dog broke a window of the parked car that it was in, and a glass splinter flew towards the plaintiff who was walking by. The House of Lords determined that "there is the ordinary duty of a person to take care either that this animal or his chattel is not put to such a use as is likely to injure his neighbour – the ordinary duty to take care in the cases put upon negligence". However, the defendant was not liable for negligence as it was not reasonably foreseeable that leaving his dog in the car would result in the plaintiff being injured by the glass splinter.

(b) In *Draper and another v Hodder* [1972] 2 All ER 210, the defendant's dogs escaped from his property, went into his neighbour's ungated yard and attacked the plaintiff (who was three years old). The Court of Appeal determined that the defendant owed and breached his duty of care, as it was reasonably foreseeable that a failure to prevent his dogs from escaping his property could result in physical harm to the plaintiff.

(c) In *Jones v Whippey* [2009] EWCA Civ 452, the plaintiff broke his ankle when he fell down a slope beside the footpath where he encountered the defendant's dog. Although the defendant owed a duty of care to the plaintiff with regard to how he handled the dog, the English Court of Appeal determined that the defendant did not breach his duty, as his conduct did not fall below the standard expected of a reasonable dog owner.

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(d) In *Sara Addis, Marcus Addis & Tracey Pearce (Executors of the Estate of Brian Addis, Deceased) v Campbell & another* [2011] EWCA Civ 906, the plaintiff fell and suffered injuries after he was allegedly knocked over by the first defendant's dog, which the second defendant had taken for a walk in open grounds. The incident occurred after the second defendant had accidentally fallen into a river beside the grounds, and shortly after he emerged from the river. The English Court of Appeal determined that the second defendant was not liable for negligence and calibrated the standard of care in light of the second defendant's own mishap, and that the first defendant was not negligent in permitting the second defendant to take the dog out for walks.

24 Consequently, I find that the Defendant owed a duty to take reasonable care in handling or controlling the Corgi when exiting the Condo Lift.

The Defendant did not breach his duty of care

The standard of care required

25 The standard of care is the objective standard of a reasonable person using ordinary care and skill (*Greenway Environmental Waste Management Pte. Ltd. v Cramoil Singapore Pte Ltd* [2021] SGHC 203 ("*Greenway*") at [102]; Gary Chan Kok Yew and Lee Pey Woan, *The Law of Torts in Singapore* (Academy Publishing, 2nd Ed, 2016) ("*Law of Torts*") at [06.006]).

26 The hazard or danger posed by the substance or material involved affects the standard of care (*The "Sunrise Crane"* [2004] 4 SLR(R) 715 ("*The "Sunrise Crane"*") at [25]-[30]; *Greenway* at [104]; *Law of Torts* at [06.030]). In *The "Sunrise Crane"*, the Court of Appeal states at [25]:

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> It is obvious that the law expects a person who carries a pound of dynamite to exercise more care than if he is only carrying a pound of butter, or putting it another way, to exercise more care with a bottle of poison than a bottle of lemonade: see *Beckett v Newalls Insulation Co Ltd* [1953] 1 WLR 8. What is adequate for one set of circumstances may not be so in relation to a different set of circumstances. It stands to reason that more care must be exercised where a highly dangerous substance is involved.

27 Consequently, the standard of care expected of the Defendant would be higher if the Corgi was an aggressive dog.

28 That said, contrary to the Estate's assertion,[33] the evidence does not show that the Corgi was an aggressive dog.

(a) The Estate relied on a purported expert in dog behaviour, Mr Marcus Tan, to support the argument that the Corgi was an aggressive dog. However, Mr Marcus Tan's evidence is unhelpful, because he did not meet or observe the Defendant's Corgi and could not opine on its aggressiveness.[34] Mr Marcus Tan merely made a generalised statement that the breed in question "possess[es] a protective territorial nature by instinct and may bark and display aggressive behaviours towards strangers or other animals when they feel a threat is present".[35]

(b) In contrast, the Defendant has given evidence demonstrating that the Corgi is typically calm and well behaved.

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[33] PFClosingSubs_[35].

[34] DFClosingSubs_[16].

[35] Plaintiff's AEIC of Tan Marcus Royston ("PFAEIC_Expert_TMR")_[4].

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(i) The Corgi's vet, Dr Jane Teo, testified that the Corgi was generally calm.[36] In this regard, Dr Teo's acceptance that the Corgi's behaviour may change based on different environmental conditions and stimuli[37] is inconsequential because the analysis here relates to the general behaviour of the Corgi, which Dr Teo is well positioned to opine on as its vet. Moreover, the Estate has not provided any credible evidence to discharge its burden of proving that the Corgi was generally aggressive rather than calm.

(ii) Further, the Corgi passed a temperament test that qualified it to be a Canine Volunteer with Therapy Dogs Singapore.[38] While this qualification was obtained after the Incident,[39] it corroborates Dr Teo's evidence that the Corgi was generally calm.

29 Consequently, the standard of care expected of the Defendant would be that of a reasonable person using ordinary care and skill to handle or control a normal dog rather than an aggressive dog.

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[36] DFClosingSubs_[15]; Transcript for 23 September 2025 ("4TRANS")_PDF8:9-10, PDF13:24-30.

[37] PFReplySubs_[6]; 4TRANS_PDF9:7-16.

[38] DFClosingSubs_[18]; DFAEIC_LKJM_[88], 344-347, 351.

[39] PFReplySubs_[5].

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The Corgi did not lunge at Mr Tan

30 The Estate has used the term "lunge" to describe the Corgi's alleged sudden movement towards Mr Tan.[40] A "lunge" is defined in the Cambridge English Dictionary as:[41]

> [T]o move forward suddenly and with force, especially in order to attack someone.

31 Based on the evidence, I find that the Corgi did not lunge at Mr Tan.

32 First, there is evidence from the Defendant that the Corgi did not lunge at Mr Tan when it exited the Condo Lift.

(a) As one of the two people present during the Incident, the Defendant was the only person able to provide direct evidence of what transpired, since the other person, Mr Tan, was unable to give evidence due to his circumstances (see [16] above).[42]

(b) The Defendant recounted the Corgi veering right towards Mr Tan, which caused him to pull it back using the leash, resulting in the Corgi being on its hind legs; and maintained that the Corgi did not lunge at Mr Tan.[43]

(c) I accept the Defendant's evidence on this issue, which was coherent and remained unshaken during cross-examination.

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[40] PFClosingSubs_[19], [53].

[41] https://dictionary.cambridge.org/dictionary/english/lunge.

[42] DFClosingSubs_[65(e)].

[43] DFAEIC_LKJM_[16], [69], [70], [96], [101].

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(d) In this regard, I am unable to agree with the Estate's argument that the Defendant's act of pulling the leash such that the Corgi was on its hind legs must mean that the Corgi had lunged.[44] There is no evidence supporting the proposition that leashed dogs on their hind legs must invariably have been lunging.

33 Second, the Video Footage (which the Estate relied on) does not show the Corgi lunging at Mr Tan, as it is impossible to see the precise nature and timing of any interaction between the Corgi and Mr Tan.[45] This is evident from the following four sequential frames of the "one frame per second" Video Footage (showing the Incident over four seconds):

(a) The first frame shows Mr Tan standing on the right side of the Condo Lift's door (when viewed from the perspective of someone exiting the Condo Lift) and looking away from the Condo Lift's door.[46]



(b) The second frame shows the Corgi exiting the Condo Lift ahead of the Defendant and veering towards Mr Tan. At this time, the Corgi's

[44] PFClosingSubs_[52].

[45] DFClosingSubs_[32]-[33]; Defendant's Reply Submissions ("DFReplySubs")_[3].

[46] DFAEIC_LKJM_[24].

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leash was short and taut (as depicted in the blue circle), and Mr Tan's head had turned to look towards the Condo Lift's door.[47]



(c) The third frame shows Mr Tan starting to fall backwards, with the Corgi veering further towards Mr Tan and on its hind legs. The Corgi's leash was still short and taut, and was held by the Defendant (as depicted in the blue circle).[48]



(d) The fourth frame shows Mr Tan lying on the ground.[49]

[47] DFAEIC_LKJM_[25].

[48] DFAEIC_LKJM_[26].

[49] DFAEIC_LKJM_[27]-[28].

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It is not possible to conclude from these four frames in the Video Footage that the Corgi lunged at Mr Tan, and any attempt to reconstruct the Incident from them is speculative.

34 Third, the Medical Reports produced by the Estate do not contain the word "lunge", which casts doubt on whether Mr Tan actually saw the Corgi lunging at him.

(a) The Medical Reports dated 16 December 2019[50] and 19 April 2021[51] prepared by Dr Sherry Young only refer to the Corgi barking. Both Medical Reports set out information concerning Mr Tan's visit to Changi General Hospital on the day of the Incident and identically state:[52]

> [Mr Tan] was waiting for a lift. When the door opened a dog inside barked unexpectedly. He was shocked and fell backwards hitting his head.

(b) The Medical Report dated 26 April 2021 prepared by Dr Lester Lee does not mention the Corgi's movements. The Medical Report sets

[50] 1PBD_56; PFAEIC_TSL_25.

[51] 1PBD_57; PFAEIC_TSL_26.

[52] 1PBD_56-57; PFAEIC_TSL_25-26.

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out information concerning Mr Tan's visit to Changi General Hospital on the day of the Incident and states:[53]

> [Mr Tan] initially presented to Changi General Hospital A&E after falling when he was startled by a dog on 21/03/2019.

(c) The Medical Report dated 21 April 2021 prepared by Dr Ng Li-Ling also makes no mention of the Corgi lunging at Mr Tan. The Medical Report was prepared in support of Ms Tan Shuh Lin's application to be appointed Mr Tan's deputy (see [15] above) and states:[54]

> When interviewed, [Mr Tan] answered questions relevantly but was noted to be slow in responding. He was able to tell that he was shocked by the dog and as a result he fell …

35 Fourth, according to Mr Tan's daughter, Ms Tan Hooi Cheng, Mr Tan told her that "The dog came out, barked towards him, fierce and wanted to bite him",[55] and there was no reference to any "lunging" by the Corgi.

36 In reaching my decision, I was not persuaded by the following points raised by the Estate's administrator, Ms Tan Shuh Lin.

(a) Ms Tan was insistent that the Corgi lunged at Mr Tan.[56] However, she was not present when the Incident happened, and her views are based on what she perceived from the Video Footage.[57] Given

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[53] 1PBD_58-59; PFAEIC_TSL_27-28.

[54] PFAEIC_TSL_29-37; 1PBD_60-68.

[55] Transcript for 25 November 2024 ("1TRANS")_PDF99:25-30.

[56] PFAEIC_TSL_[9]-[19], [47].

[57] DFClosingSubs_[102]-[103].

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the poor quality of the Video Footage (see [11] and [33] above), I do not see how she could have formed the following view:[58]

> … it is clear from the footage captured in the CCTV that the Defendant's dog did lunge towards and at [Mr Tan] and had physical contact with [Mr Tan] as the Defendant's dog instantaneously overtook the position where [Mr Tan] was originally standing after lunging towards and at [Mr Tan]. The CCTV footage showed [Mr Tan] looking down at the Defendant's dog in shock when the Defendant's dog suddenly lunged at him. [Mr Tan]'s hand flung up movements captured in the CCTV footage indicated that he was shocked and startled by the Defendant's dog sudden barking and lunging at him.

In this regard, Ms Tan accepted during cross-examination that she was unable to discern various things from the Video Footage, such as where Mr Tan was looking when the Corgi exited the Condo Lift,[59] and whether the Corgi had contact with Mr Tan.[60]

(b) Ms Tan referred to an email sent by Ms Josephine Lim from the National Parks Board ("NParks") on 1 September 2020 which states "we wish to update you that NParks/AVS advised and reminded the [Defendant] to have proper control of his pet dog in public".[61] However, this email does not point to any specific wrongdoing. Indeed, Mr Lin Rui Long from NParks testified that NParks' view is that:[62]

> … there is no clear evidence that the contact between the dog and [Mr Tan] was made. And in our assessment, the dog handler during the material time exercised control of the dog. The dog was leashed, and in our assessment, the dog handler pulled the dog back to

[58] PFAEIC_TSL_[47].

[59] 1TRANS_PDF65:24-PDF66:20.

[60] 1TRANS_PDF69:6-25.

[61] PFAEIC_TSL_109.

[62] DFClosingSubs_[75].

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> prevent it from further contact or biting [Mr Tan]. So based on our assessment, we have issued a email advisory to the dog handler on responsible pet ownership.[63]

(c) Ms Tan pointed to a Circular issued by the Managing Agent of the Condo on 26 April 2019 to suggest that action was taken against the Defendant for the Incident.[64]

(i) The Circular states:

> Condominium living is all about tolerance and consideration of your fellow neighbours in order for everyone to live harmoniously. We wish to bring to your attention recently there was a police report filed and a life is now at stake due to a pet dog within the common area.[65]

(ii) However, the Circular does not refer to any action being taken against the Defendant.

(d) Ms Tan raised the fact that the Defendant and his family visited Mr Tan at the hospital to argue that the Defendant admitted he was negligent.[66] However, the Defendant explained during cross-examination that it was a "kind-hearted" gesture, which cannot amount to an unequivocal admission of liability (*Qingdao Bohai Construction Group Co, Ltd and others v Goh Teck Beng and another* [2016] 4 SLR 977 ("*Qingdao Bohai*") at [87]). Likewise, the Defendant's choice to assist Mr Tan after he fell and accompany him to the hospital cannot amount to an unequivocal admission of liability (see [13] above).[67]

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[63] 1TRANS_PDF31:22-31.

[64] Reply (Amendment No. 1)_[37].

[65] DFAEIC_LKJM_330.

[66] PFAEIC_TSL_[49].

[67] PFReplySubs_[44].

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37 I was also not persuaded by the Estate's argument that Mr Tan's fall must have been triggered by the Corgi lunging at him because Mr Tan had no predisposition to falling and "every action has a reaction".[68] Even a healthy person can fall accidentally (with or without triggers), and the fact that Mr Tan was shocked does not conclusively prove that the Corgi lunged at him. The burden remained on the Estate to prove that the Corgi lunged at Mr Tan, which it has failed to do for the reasons set out at [31]-[35] above. In this regard, I do not find the Estate's medical expert, Dr Chan Kin Ming's, suggestion that "the fall was singularly caused by the sudden and unexpected lunging of the dog towards him"[69] to have any evidential value because Dr Chan was not present during the Incident, is not an expert on the reconstruction of accidents,[70] and is simply conveying his perception of what happened based on the Video Footage,[71] which I have found does not show that the Corgi lunged at Mr Tan (see [33] above).

38 I therefore find that the Corgi did not lunge at Mr Tan, which means that the Defendant could not have breached his duty to Mr Tan.

Even if the Corgi lunged at Mr Tan, the Defendant had taken reasonable steps to control the Corgi

39 Assuming that I am wrong and that the Corgi had lunged at Mr Tan, I would have in any event found that the Defendant took reasonable steps to control the Corgi, and did not breach his duty of care.

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[68] PFClosingSubs_[5], [20], [53]-[57], [65]-[85].

[69] PFClosingSubs_[76]; PFReplySubs_[17]; 2PBD_5([15]).

[70] Transcript for 7 March 2025 ("2TRANS")_PDF77:15-17.

[71] 1PBD_80([22]-[24]); 2TRANS_PDF77:20-PDF80:9.

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40 A lunge need not result in physical contact. A dog owner may use the leash to pull the dog back and prevent any escalation from the initial lunge.

41 As such, the focus should be on whether the Defendant took reasonable steps to control the Corgi when it purportedly lunged at Mr Tan.

42 To this end, I would have found that the Defendant did not breach his duty of care for the following reasons:

(a) The evidence shows that the Defendant controlled the Corgi reasonably by pulling the leash to hold it back and prevent any physical contact with Mr Tan (see [32] and [33(c)] above). Indeed, the Defendant's evidence is that when the Corgi veered right towards Mr Tan, he pulled the leash to redirect it,[72] and there is no evidence of any physical contact between the Corgi and Mr Tan.

(b) The testimony of the purported expert in dog behaviour, Mr Marcus Tan, which the Estate relied on,[73] was unhelpful.

(i) Mr Marcus Tan testified that:[74]

> As seen in the CCTV footage, the leashed dog lunged at and charged towards Mr Tan while it was exiting with its two front legs off the ground and body arching forward. As seen in the dog's body language, it is using a lot of its strength to lunge while trying to reach Mr Tan.

[72] 3TRANS_PDF62:11-PDF64:3.

[73] PFClosingSubs_[59].

[74] PFAEIC_Expert_TMR_22.

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(ii) He confirmed during cross-examination that he arrived at his view based solely on the Video Footage and his factual assessment of what it showed.[75]

(iii) I find it incredible for Mr Marcus Tan to have reached his views based on the Video Footage, which is of poor quality (see [11] and [33] above). As his views are based on his perception that the Corgi lunged at Mr Tan, which is a conclusion that cannot be made from the Video Footage, I do not consider his evidence to be credible or coherent (*Sakthivel Punithavathi v Public Prosecutor* [2007] 2 SLR(R) 983 at [76]).

(iv) I therefore give no weight to Mr Marcus Tan's evidence on this issue.

(c) Further, I disagree with the Estate's argument that the Defendant's statement that there was "no need for him to control or restrain [his] dog from lunging because [the dog] did not do that"[76] constitutes an admission that the Defendant breached his duty of care. This statement cannot be viewed in isolation. It must be understood in the context of the Defendant's consistent position that the Corgi did not lunge at Mr Tan. Moreover, the evidence shows that the Defendant controlled the Corgi reasonably by pulling the leash to hold it back and prevent any physical contact with Mr Tan (see [42(a)] above).

[75] 2TRANS_PDF42:28-PDF43:13.

[76] PFClosingSubs_[24]; PFReplySubs_[8], [35], [43]; DFAEIC_LKJM_[101].

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The Estate has not proven that the Corgi barked at Mr Tan

43 There is insufficient evidence demonstrating that the Corgi barked at Mr Tan.

(a) The Video Footage was not accompanied by audio and provides no assistance in determining whether the Corgi barked.[77]

(b) As Mr Tan lacked capacity to give evidence (see [16] above), the Estate relies on the following indirect evidence to show that the Corgi barked:[78]

(i) A Singapore Civil Defence Force Ambulance Incident Report[79] recording an unidentified passerby's account[80] that "The lift door open and a dog bark, [patient] felt shock and fell backwards".[81] Contrary to the Estate's argument, there is no basis to find that this unidentified passerby was the Defendant,[82] who testified that he neither called for an ambulance nor spoke with the Singapore Civil Defence Force about the Incident.[83]

(ii) The Medical Reports dated 16 December 2019[84] and 19 April 2021[85] prepared by Dr Sherry Young that refer to the Corgi

[77] DFClosingSubs_[65(d)]; DFOpening_[4(iv)].

[78] DFClosingSubs_[19]-[28], [105]-[108].

[79] 4PBD_3-5; 3TRANS_PDF14:29-30.

[80] 3TRANS_PDF16:16-23.

[81] PFClosingSubs_[57], [60]; 3TRANS_PDF15:19-24.

[82] PFClosingSubs_[57]; DFReplySubs_[11]-[12].

[83] 3TRANS_PDF69:24-PDF70:26.

[84] 1PBD_56; PFAEIC_TSL_25.

[85] 1PBD_57; PFAEIC_TSL_26.

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barking (see [34(a)] above).[86] As Dr Sherry Young was not present at the Emergency Department of Changi General Hospital on the day of the Incident,[87] she was unable to identify who conveyed the information in question (ie. whether it was Mr Tan, the Defendant, or some other person).[88]

(iii) Ms Tan Hooi Cheng's testimony that Mr Tan told her that "The dog came out, barked towards him, fierce and wanted to bite him"[89] and that the Defendant told her that his "dog came out of the lift, barked and [Mr Tan] fell"[90] (though the Defendant denies making such a statement).[91]

(c) In contrast, the Defendant gave direct evidence that the Corgi did not bark.[92] His evidence was internally consistent and coherent, and coincides with the position in the Defence (Amendment No. 1) where he denied that "the dog suddenly emerge[d] barking at and lunging".[93]

(d) As one of only two people present during the Incident (see [32(a)] above) and given the credibility of the Defendant's testimony,[94]

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[86] PFClosingSubs_[61].

[87] 3TRANS_PDF20:16-PDF21:3, PDF22:13-14.

[88] 3TRANS_PDF25:7-PDF26:8.

[89] PFClosingSubs_[56], [62]; 1TRANS_PDF99:25-30.

[90] PFClosingSubs_[58], [63]; 1TRANS_PDF102:7-17.

[91] 3TRANS_PDF68:1-9.

[92] DFAEIC_LKJM_[16]; 3TRANS_PDF66:8-16.

[93] PFClosingSubs_[64]; Statement of Claim (Amendment No. 1)_[9(c)]; Defence (Amendment No. 1)_[32].

[94] See also [9] above.

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I accept the Defendant's direct evidence[95] over the Estate's indirect evidence, and find that the Corgi did not bark.

44 In any event, it is natural for dogs to bark. A bark is a sound that is generally harmless in the absence of any accompanying physical threat – it is, as the saying goes, "all bark, no bite". I therefore have difficulty seeing how the Defendant could have breached his duty to Mr Tan merely because the Corgi barked (without lunging towards Mr Tan).

The Defendant kept the Corgi on a short leash

45 I agree with the Estate that it is reasonable to expect the Defendant to keep the Corgi on a short leash when exiting the Condo Lift. This is consistent with the Short Leash By-law.

46 Contrary to the Estate's suggestion,[96] the evidence shows that the Defendant kept the Corgi on a short leash and did not breach his duty of care.

(a) The Video Footage shows that the leash was short and taut, with the Defendant standing close to the Corgi when Mr Tan was falling (see [33(b)] and [33(c)] above).

(b) Additionally, the Defendant has given evidence that his 4ft long leash was shortened to 3ft (about 0.91m) when he exited the Condo Lift.[97] I accept the Defendant's position that this was a reasonable length taking into account the height of the Corgi (0.3m)[98] and the Defendant's

[95] DFReplySubs_[28].

[96] PFClosingSubs_[11]-[18].

[97] DFAEIC_LKJM_[10]-[12], [64]; 3TRANS_PDF59:22-28, PDF87:19-PDF89:16.

[98] DFAEIC_LKJM_[55(b)(iii)].

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height (1.7m).[99] Had the leash been shorter, it would have been impracticable for the Defendant to move about,[100] and the Corgi may have been strangled by the leash.[101]

Conclusion on the Estate's claim in negligence

47 While the Defendant owed a duty to take reasonable care in how he handled or controlled the Corgi when exiting the Condo Lift, the Estate has failed to prove a breach of duty.

(a) The Estate has failed to show that the Corgi was an aggressive dog. This impacts the standard of care expected of the Defendant.

(b) The Estate has failed to show that the Corgi lunged at Mr Tan. In any event, the Defendant has, through his use of the leash, taken reasonable steps to control the Corgi.

(c) The Estate has failed to show that the Corgi barked at Mr Tan.

(d) The Defendant has proven that the Corgi was kept on a short leash and that he took reasonable care in his handling of the Corgi.

48 The Estate's claim in negligence therefore fails, and it is not necessary for me to address the remaining issues of causation or remoteness.

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[99] 3TRANS_PDF87:14-18.

[100] 3TRANS_PDF89:17-30.

[101] DFReplySubs_[21]; DFAEIC_LKJM_[66].

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The Defendant did not breach the Condo By-laws

The parties' positions

49 The Estate takes the position that the Defendant has breached the following Condo By-laws:[102]

(a) The Small Breed By-law, as the Corgi is not a "small breed as defined by the relevant authorities".

(b) The Short Leash By-law, as the Corgi was not on a short leash when it was in the Condo Lift just before the Incident happened.

(c) The Leash and Control By-law, as the Incident was caused by the Defendant's failure to keep the Corgi under control.

The Small Breed By-law

50 The Small Breed By-law states "Only dogs of small breed as defined by the relevant authorities are allowed". However, there is no mention of what the "relevant authorities" are.[103]

51 Based on the evidence adduced in the proceedings, there is no universal guideline or classification in Singapore for "small dogs".[104] On 9 November 2020, Ms Melissa Lee from NParks sent an email ("NParks Email") to Ms Tan Shuh Lin explaining that there is no classification of dog breed sizes in

[102] Statement of Claim (Amendment No. 1)_[7].

[103] PFClosingSubs_[31]; DFClosingSubs_[45].

[104] PFClosingSubs_[31].

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Singapore aside from the guidelines adopted by the Housing and Development Board ("HDB").[105] The NParks Email states:

> HDB allows 62 small-sized dog breeds (typically up to shoulder height of 40cm and weight of 10kg) and Singapore Specials (registered under Project ADORE) to be kept in HDB premises. Breeds not listed, regardless of size, are not allowed to be kept in HDB premises. As for the breed Corgi, it tends to be classified as a medium-sized dog due to its weight and is not one of the 62 approved breeds.
>
> Aside from the 62 HDB-approved small-sized dog breeds, there is no classification of dog breed sizes in Singapore. You may find out more about the size of the dog breeds from the websites such as akc.org, thekennelclub.org.uk, etc.

52 The Estate has therefore urged the Court to apply the approach adopted by HDB to the Condo.[106] Based on the NParks Email, there are two categories of dogs that HDB permits to be kept in HDB premises:

(a) Dogs that fall within the list of 62 dog breeds adopted by HDB ("HDB Dog List"), which excludes the Corgi.

(b) Dogs that are approved under Project ADORE, which can include dogs of a maximum height of 55cm with no weight restrictions.[107]

53 However, there is simply no basis for HDB's guidelines to be read into the Small Breed By-law.[108]

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[105] PFAEIC_TSL_111.

[106] PFClosingSubs_[31].

[107] DFAEIC_LKJM_328.

[108] DFClosingSubs_[50]; DFReplySubs_[42].

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54 First, the Condo does not fall within the purview of HDB. The HDB Dog List is set out in the Schedule to the Housing and Development (Animals) Rules 2024 ("HDB Animals Rules") and applies to "any property licensed, leased or sold or otherwise provided by [HDB] under the [Housing and Development Act 1959 (2020 Rev Ed)]" (see s 2 of the HDB Animals Rules). I therefore do not see how HDB can be considered the "relevant authority" under the Small Breed By-law.

55 Second, the HDB Dog List does not refer to the term "small breed" and cannot be considered a definition of small breeds under the Small Breed By-law. In this regard, the reference to "62 small-sized dog breeds" in the NParks Email appears to be the NParks officer's characterisation of the 62 dogs in the HDB Dog List. For completeness, I reproduce the relevant provisions of the HDB Animals Rules:

> 3.—(1) A lessee of any property must not keep or allow to be kept in the property any cat or dog except in accordance with this rule.
>
> (2) Subject to paragraph (3), a lessee of any property provided by the Board for residential purposes is permitted to keep in the property —
>
> (a) one dog only, which must be —
>
> (i) in the case of an applicable lessee — an assistance dog or applicable dog; or
>
> (ii) in any other case — an applicable dog; and
>
> (b) not more than 2 cats.
>
> …
>
> (5) In this rule —
>
> "applicable dog" means —
>
> (a) a dog of a breed specified in the Schedule; or
>
> (b) a dog that is adopted from an animal welfare organisation under a scheme for the rehoming of dogs

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> specified on the Board's Internet website at https://www.hdb.gov.sg;
>
> …

56 Consequently, it is uncertain what the phrase "small breed as defined by the relevant authorities" means, and I am unable to find that the Defendant has breached the Small Breed By-law.

The Short Leash By-law and the Leash and Control By-law

57 The Defendant did not breach the Short Leash By-law or the Leash and Control By-law.

58 First, the evidence shows that the Defendant kept the Corgi on a short leash (see [46] above).

59 Second, the evidence shows that the Defendant controlled the Corgi reasonably by pulling the leash to hold the Corgi back and prevent any physical contact with Mr Tan (see [32], [33(c)] and [42(a)] above).

60 Consequently, contrary to the Estate's assertions, the Defendant did not breach the Condo By-laws.

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Conclusion

61 I extend my sympathy to Mr Tan's family, who have endured the daily consequences of the unfortunate Incident and the anguish of witnessing Mr Tan's declining health and faculties.

62 Nevertheless, I must dismiss the Estate's claim as it has failed to prove that the Defendant was negligent in how he handled or controlled the Corgi when exiting the Condo Lift, or that the Defendant was in breach of the Condo By-laws.

63 The parties are to file and exchange written submissions on the issue of costs (limited to 7 pages) within 14 days from the date of this judgment.

Samuel Wee
District Judge

Ng Yong Ern Raymond (Tan Lay Keng & Co.) for the Plaintiff;
Narayanan Vijya Kumar (Vijay & Co.) for the Defendant.

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