

**CASE NO.****VOL. NO.****PAGE**

ATTORNEY GENERAL OF  
CANADA ON BEHALF OF  
HER MAJESTY THE QUEEN  
in Right of Canada

- and -

MARGARET DINGLE, JENNIFER  
DINGLE and Jennifer Lynn Dingle,  
Mary Patricia Dingle, and Margaret  
Ann Dingle, Executrices of the  
ESTATE OF WILLIAM DINGLE,  
Deceased

(Appellant)

(Respondents)

CA 154271

Halifax, N.S.

HALLETT, J.A.

**[Cite as: Canada (Attorney General) v. Dingle Estate, 2000 NSCA No. 5]**

**APPEAL HEARD:**

November 22<sup>nd</sup>, 1999

**JUDGMENT DELIVERED:**

January 12, 2000

**SUBJECT:**      **Negligence****SUMMARY:**

A mail carrier was injured when four dogs were able to push open a latched storm door of a residence and run out and jump on a mail carrier who was leaving the property after having delivered the mail.

The trial judge heard conflicting evidence as to whether or not the dogs were aggressive. He concluded the dogs were not aggressive and that it was not reasonably foreseeable by the owners of the dogs that they could push open the door. The trial judge dismissed the negligence action against the dog owners.

The appeal was dismissed. The trial judge did not make a palpable and overriding error in finding that the dogs were not aggressive. (See **Stein v. Kathy “K”**, [1976] 2 S.C.R. 802). Nor did the trial judge err in finding there was no negligence (see **Bottomley v. Nova Scotia (Attorney General) et al** (1996), 148 N.S.R. (2d) 81).

**This information sheet does not form part of the court’s decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 27 pages.**