

Chapter 3



Case Summaries/ Orders

The following community disputes case studies are provided as a guide to court users and to illustrate the types of Court Orders the Judge made for each of the cases. The case details have been generalised to ensure confidentiality of the CDRT hearings which are private proceedings. Court users can have an understanding of the types of cases that have been heard at the CDRT, and the considerations that shape the outcome of the hearings.

The facts and circumstances of each case will vary. The Judge will consider all the relevant factors before making the CDRT orders.

(A) Consent Order

The following Consent Court Order cases show how parties were able to agree to an amicable order by the CDRT despite the seemingly intractable issues facing the parties. Mediated solutions help to preserve good neighbourly relations. The Consent Orders show how the concerns of both parties may be addressed and serve as a guide for parties to consider how to resolve similar neighbourhood disputes.

(i) Section 4(2)(a) Causing excessive noise



KARAOKE WOES

The Plaintiff's flat is directly above the Respondent's flat in a HDB block. The Plaintiff alleged that the Respondent created excessive noise whenever he and his family members used their karaoke machine. As a result of the ongoing dispute, the Respondent scolded the Plaintiff and the Plaintiff's family members with vulgarities and abusive words. The Respondent intentionally left his main door and windows open while using the karaoke machine in order to antagonise the Plaintiff.

(A) Consent Order *(cont'd)*



CONSENT ORDER

1. The Respondent shall ensure that whenever he or any of the occupants of his flat use the karaoke machine, all windows and doors in the flat will be closed completely in order to reduce the amount of sound that escapes his flat.
2. The Respondent shall not use the karaoke machine in the periods that the occupants of the Plaintiff's flat are having exams, provided that the Plaintiff or any of the occupants of her flat informs the Respondent in person of the said exam periods.
3. The Respondent and the Plaintiff, as well as their family members, shall not approach each other, except for the Plaintiff to inform the Respondent of the exam periods.
4. The Respondent and the Plaintiff, as well as their family members, shall not stare at each other in the event that they meet each other.
5. The Respondent and the Plaintiff, as well as their family members, shall not make any abusive or insulting comments and sounds at each other.
6. The Respondent and the Plaintiff, as well as their family members, shall not use any abusive or insulting gestures or behaviour at each other.

(A) Consent Order (cont'd)

(ii) Section 4(2)(b) Littering at or in the neighbour's residence
Section 4(2)(e) Surveillance of neighbour or neighbour's residence

DIRT, DUST, MOTHBALLS & INSULTS

The Plaintiff and Respondent are adjacent neighbours in a private condominium. The common corridor on the 3rd floor branches out to two staircases leading to the Plaintiff's unit and the Respondent's unit. There is a staircase landing in front of the main door of each unit. The Plaintiff and the Respondent admitted that the staircase landing and staircases constitute common property.

The Plaintiff alleged that the Respondent and his family members caused him unreasonable interference in the following ways:

- dusting their floor mat, brushing their dirty shoes and throwing dust and other items onto the common corridor and common staircases
- placing mothballs at the staircase landing outside the main door of the Respondent's unit which the Plaintiff considered to be a health hazard
- using insulting or rude comments and gestures towards the Plaintiff.
- regularly video-recording the movements of him and his family members using a CCTV camera which is focused on the staircase leading to the Respondent's unit and the staircase landing outside the main door of the Respondent's unit
- using a mobile phone to record the Respondent and his family members at the common areas of condominium and at the Respondent's workplace.



(A) Consent Order *(cont'd)*



CONSENT ORDER

1. The Respondent and his family members shall not deposit or throw on the common property of the condominium any rubbish, dirt, dust, or other material or discarded item. In particular, the Respondent and his family members shall not hang any floor mat on any part of the railing outside their unit and shall not dust their shoes or throw any item in or around the staircase landing outside the main door of the unit and the staircases and common corridors around or leading to their unit and the Plaintiff's unit.
2. The Respondent shall ensure that all mothballs at the staircase landing outside the main door of the Respondent's unit are removed within 3 working days after the making of the order.
3. The Plaintiff shall not focus the CCTV camera at the main door of the Respondent's unit, the staircase landing outside the Respondent's unit or the staircase leading to the Respondent's unit. The Plaintiff shall focus the CCTV camera at the staircase landing outside the main door of the Plaintiff's unit and the top half of the staircase leading to the Plaintiff's unit.
4. On the understanding that the Respondent and his family members abide by the terms of this order, the Plaintiff shall cease the taking of any photographs or videos of the Respondent or any of his family members, whether in or outside the condominium.

(A) Consent Order *(cont'd)*



CONSENT ORDER *(cont'd)*

5. The Plaintiff and the Respondent (and their family members) shall not engage in any physical encounters with each other if they should coincidentally meet each other in the common areas of the condominium.
6. The Plaintiff and the Respondent (and their family members) shall not use any threatening, abusive or insulting words or behaviour against each other or within the hearing of each other.
7. The Plaintiff and the Respondent (and their family members) shall not approach the staircase landing outside the main door of each other's apartment, except in times of an emergency.
8. The Respondent (and his family members) shall not throw anything into the Plaintiff's unit.

(A) Consent Order (cont'd)



CONSENT ORDER

1. The Respondent is prohibited from stopping along the common corridor outside the Plaintiff's flat with the intention of irritating, provoking or disturbing the Plaintiff or the residents in the Plaintiff's flat.
2. The Respondent is prohibited from talking loudly or making noises along the common corridor outside the Plaintiff's flat with the intention of irritating, provoking or disturbing the Plaintiff or the residents in the Plaintiff's flat.
3. The Respondent is prohibited from throwing food, food particles, food wrappers, dust, dirt or any other article or thing at, into or outside the Plaintiff's flat.
4. The Respondent is prohibited from interfering with the Plaintiff's flat, including using her hand, body, objects or any other means to hit the gate, doors, windows or walls of the Plaintiff's flat, spraying or throwing water or any other substance onto the gate, doors, windows or walls of the Plaintiff's flat and kicking objects (including footwear belonging to the the Plaintiff's neighbours) along the common corridor in front of the Plaintiff's flat.

(A) Consent Order *(cont'd)*



CONSENT ORDER *(cont'd)*

5. The Respondent is prohibited from interfering with any movable property belonging to the Plaintiff or the residents in the Plaintiff's flat that is placed at or in the vicinity of the Plaintiff's flat, including the common corridor outside the Plaintiff's flat.
6. The Plaintiff and the Respondent (and the residents of their flats) are prohibited from approaching each other.
7. The Plaintiff and the Respondent (and the residents of their flats) are prohibited from using any threatening, abusive or insulting words or behaviour against each other.

(B) Adjudicated Order

Sometimes the parties are unable to agree to a Consent Order. The Court will proceed to hear the case and make the Orders based on the facts of the case.

(i) Section 4(2)(c) Obstructing neighbour's place of residence

MY SPACE YOUR SPACE

The Plaintiff and the Respondent are adjacent neighbours in an HDB block. The Respondent's flat is a corner unit, while the Plaintiff's flat is on the left of the Respondent's flat. There is a sliding window (belonging to the Plaintiff's flat) between the main entrance of the Respondent's flat and the main entrance of the Plaintiff's flat.

The Respondent placed a metal shoe rack, a red metal incense burner, a bicycle and some other miscellaneous items under the Plaintiff's sliding window. After the Plaintiff sought the Town Council's assistance, the Town Council officer instructed the Respondent to remove the bicycle, which he did. According to the Plaintiff and the Respondent, the Town Council told the Respondent that he could continue placing the metal shoe rack below the Plaintiff's window.

During court proceedings, the Plaintiff and the Respondent did not exhibit any written permission from the Town Council to that effect. The Plaintiff sought an order for the Respondent to remove all items at the common corridor, in particular, the items below the Plaintiff's window.



(B) Adjudicated Order *(cont'd)*



ORDER

After hearing both parties, a Tribunal Order was made against the Respondent to remove all the Respondent's items outside the corridor of the Plaintiff's flat.

Grounds for Order

1. The items placed outside the Plaintiff's flat interfered with the Plaintiff's enjoyment of her premises, when the Plaintiff goes in and out of her flat and when the Plaintiff opens her window. The items prevented the Plaintiff from cleaning her windows and surroundings.
2. Each flat owner has the right to the space inside the flat but not outside the flat where the common corridor is located. The common corridor falls under the purview of the Town Council. In this case, there was a Town Council By-Law that stated that no one shall obstruct or cause or permit the obstruction of the lawful use of the common property with any object, fixture or thing.
3. The Respondent was at liberty to keep the shoe rack inside the Respondent's flat.
4. The Plaintiff requested for and the Respondent was ordered to pay the disbursements for the CDRT filing fees and IRAS search fee to obtain the Respondent's name to file the claim.

(C) Dismissal

a) Section 4(2)(a) Causing excessive noise



BABYSITTING BLUES

The Plaintiff's flat was directly below the Respondent's flat. The Plaintiff alleged that the Respondent made excessive noises which were described as heavy running, stomping and thumping, dragging of furniture and dropping of items onto the floor. The occurrence of the noises coincided with the presence of the Respondent's two year old granddaughter, for whom the Respondent was the main caregiver while the girl's parents were at work.

The Respondent's case was that any noises that might have been generated were reasonable noises associated with the movements and activities of a young child in a home setting. As the parties could not settle the dispute through mediation, the case proceeded for trial.

Case Dismissed

At the end of the trial, the Plaintiff's Claim was dismissed as he had not proven on a balance of probabilities that the noises that he had been hearing in his flat had originated from the Respondent's flat alone and that it was the Respondent or her family members who had caused the noises intentionally, recklessly or negligently.

There was also no evidence to suggest that the noises were "excessive" in that they exceeded household noises or lifestyle noises that are generated through ordinary instances of daily living that can be expected to be tolerated by reasonable persons living in Singapore, and that the noises caused "unreasonable interference" to the Plaintiff's use or enjoyment of his flat.

(D) Withdrawal

(i) Section 4(2)(a) Causing excessive noise



ELDERLY RELATIVES

The Plaintiff's flat was directly below the Respondent's flat. The Plaintiff alleged that every morning from about 6.45am to 8.15am, she would hear noises from the Respondent's flat, including slamming of the door, sliding and slamming of the window grilles, sounds of footwear and sounds of dragging of furniture in the living room.

At the first Pre-trial Conference (PTC), the CDRT Judge was informed that the Respondent lived with her uncle and her elderly aunts and that all the ladies wore slippers at home to protect their feet against the coldness of the floor. The CDRT Judge was also informed that the uncle and elderly aunts woke up early every morning, which coincided with the period that the Plaintiff heard the noises. The elderly aunts also did their laundry and hung them out to dry at about 6-7am. In addition, the sliding aluminium window grilles were more than 15 years old.

During the case management session, the CDRT Judge explored with the Respondent on what the possible causes of the noises were and how they could be remedied. The Respondent agreed to do the following:

- 1) Explore alternative footwear for herself and her aunts.
- 2) Replace the stoppers at the base of all the dining chairs in the flat to those that were of softer material and provided more cushioning.
- 3) For the aunts to do the laundry and hang out the laundry at a later time.

(D) Withdrawal *(cont'd)*

When parties returned for the second PTC, the Plaintiff informed the CDRT Judge that the footwear noises had totally disappeared and the noise from the dragging of furniture had reduced, although the noise from the sliding of the window grilles was still present. The Respondent agreed to purchase lubricant for the window grilles to reduce the friction whenever they were opened or closed.

As a result of the improvement to the noises and in the spirit of good neighbourliness, the Plaintiff withdrew the Claim.