This chapter examines breach of duty in negligence. It discusses the factors that the court considers in determining whether the defendant is in breach of his duty of care to the claimant. These include the foreseeability of harm to the claimant, the appropriate standard of care owed by the defendant to the claimant, and the conduct of the defendant in comparison to the expected standard of care. This chapter suggests that the question of whether the defendant has breached a duty of care is a mixed one of law and fact and that the standard of care required of the defendant is an exclusively legal construct and based on the standard of a hypothetical reasonable person.
6. Breach of duty

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