

for consumers

dealing with complaints

“confident consumers – protected communities”

“legitimate complaints help everyone in the marketplace. They alert businesses to product quality, service and distribution problems”

When consumer problems arise

Most businesses appreciate consumer feedback because they know that if they are able to resolve the complaint, there is a good chance that the customer will remain loyal. However, if the complaint is not resolved satisfactorily, the customer may never purchase anything from that business again.

There are three ways to make a complaint – in person, by telephone, or in writing. A complaint made in a face-to-face discussion is best. If you complain in person, it's a good idea to bring along a witness and speak to someone in authority, such as the manager, or a person in the complaint department of the store. If a personal visit doesn't produce satisfactory results, write a letter to the manager or owner.

Written complaints work well. Attempt to keep the letter to one page and address it to a “named” person. You may have to call the business in order to find out who will deal with your problem. Keep a copy of the letter that was sent.

If you must complain by phone, gather all of your information together before you make your call. Record names of people that you have talked to and dates of the discussions.

Is your complaint valid?

A consumer is faced with a marketplace full of decisions. Before you complain ask yourself some of the following questions:

- Did you gather information about the product before purchasing it to make sure that the product would serve your purpose?
- Did you examine the quality of the product before you purchased it?
- Did you read all instructions, terms of guarantees and are you aware of what the store policy is on returns – for refund, exchange or credit?

Guide to complaining effectively

Once you have made sure your complaint is justified, give the merchant a chance to solve the problem. If there is a complaint department in the store where you made the purchase, use it. If not, talk to someone in authority, such as a manager. A face-to-face discussion is best. Be firm, but polite and business-like. Calmly and accurately describe the problem and **what you want them to do to solve it.**

Write down any details of your complaint; who you spoke to, dates, and keep it in your files, should you need to refer to this conversation later.

If a personal visit doesn't produce satisfactory results, write a complaint letter to someone higher up, such as the manager or owner.

Provide all of the details about the problem and your efforts to resolve it. Request action. You may want to send a copy to the manufacturer. Be sure that you keep a copy for yourself.

Additional assistance

If you feel that you have given the business enough time to resolve the problem and nothing has happened, send a copy of your letter and attached copies of supporting documents to a Consumer Relations Officer.

Depending on the situation, an officer may be able to facilitate communication between the business and the consumer to help both sides come to a satisfactory resolution.

Yukon does not have a Better Business Bureau. Members that belong to a bureau in other jurisdictions agree to

voluntary self-regulation. This means that they agree to resolve customer complaints that are brought to their attention by the bureau.

Recovering damages yourself

Small Claims Court can be an informal and relatively in-expensive method of resolving disputes. You will have to pay a fee to file a claim. For information on how to proceed, contact the Small Claims Court in Whitehorse at 667-5619, or toll-free 1-800-661-0408 (ext. 5619)

Know your rights and obligations

Many complaints result because consumers don't understand or recognize each others rights and obligations in the marketplace. To understand your options for dealing with a complaint, it is useful to be aware of some common principles of consumer protection law.

In every retail purchase of goods, there are conditions or warranties that are implied. A condition that the goods are of merchantable quality – except for any defects that are described, and that goods must be delivered in a reasonable amount of time are examples of conditions that retailers must comply with.

If the product does not come with a written warranty, it is covered by an "implied warranty". Implied warranties make retailers responsible if the product fails to meet reasonable quality standards at the time of the sale.

Questions & Answers

Returning unwanted goods

Q. Our son didn't like a jacket that we purchased for him. We tried to return it to the store and get our money back. The owner refused to give us a refund. Instead he offered credit at the store in the amount of the price of the jacket. Can he do this?

A. Yes. No legal obligation exists for retailers to accept returned items unless they are defective. Each store has their own rules about returns – they will usually decide if you get a refund, an exchange, or credit.

Refusing goods that don't arrive on time

Q. We ordered a couch from a local furniture store. It was to be delivered 2 weeks ago and the couch has still not arrived. Can I ask for my money back?

A. If the goods don't arrive as promised, you can't automatically cancel the contract. You must give the business a reasonable amount of "extra" time. If you feel that the delay is too long, speak to the manager. He may agree to cancel the contract, or alternately you may be able to negotiate a delivery date that works for both of you.

(*If you must have the goods by a specific date, make the sale conditional upon receipt of the goods by *date*.)

Q. I placed a \$200 deposit on some stereo equipment. Now I have decided not to buy the stereo. Can I get my deposit back?

A. This deposit provides a guarantee that the business will hold the goods for you and not to sell them to anyone else

for a certain time. The law does not require stores to return deposits.

Every store has its' own policy. It is best to ask questions before you buy. If you are told that you can get your deposit back, make sure that the salesperson writes out that promise on your receipt and signs it.

Need more information?

Consumers can learn more about their rights and responsibilities under the Consumer Protection Act by contacting Consumer Services at 667-5111, or toll-free outside of Whitehorse, 1-800-661-0408.

The information contained in this fact sheet is of a general nature only and should not be regarded as a substitute for a reference to the legislation or professional advice.

Sample Complaint Letter

(Your Address)
(Your City, Province, Postal Code)

(Date)

(Name of Contact Person, if available)
(Title, if available)
(Company name)
(Consumer Complaint Division, if you have no contact person)
(Street Address)
(City, Province)
(Postal code)

Dear (Contact Person):

Re: (Account number, if applicable or subject matter)

On (date), I (bought, leased, rented, or had repaired) a (name of the product with serial or model number or service performed) at (location).

Unfortunately, your product (or service) has not performed well (or the service was inadequate). I am disappointed because (explain the problem: for example, the product does not work properly, the service was not performed correctly, I was billed the wrong amount, something was not disclosed clearly or was misrepresented at the time of sale, etc.).

To resolve the problem, I would appreciate if you (state the specific action you want – money back, charge card credit, repair, exchange, etc.) Enclosed are copies (do not send originals), of my records (include receipts, guarantees, warranties, cancelled cheques, contracts, model and serial numbers, and any other documents).

I look forward to your reply and resolution to my problem, and will wait until (set a time limit – usually ten working days are sufficient) before seeking help from a consumer service office. Please contact me at the above address or by telephone at (home, and/or office number with area codes).

Sincerely,

(your name)

enclosure(s)

cc: (indicate to whom you are sending a copy of this letter, e.g. product manufacturer)