THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
CLAUDE ROSETTE

Case No: CPA.14.043

Complainant – Mr. Clifford Bristol
Respondent – Mr. Claude Rosette

QUORUM:
Mr. Philippe Chong-Seng – Chairperson
Mrs. Jenna Thelermont – Commissioner
Mr. Victor Pool – Commissioner

For the Complainant
Mr. Trevor Louise – Legal Officer (FTC)
Mr. Clifford Bristol – Complainant

For the Respondent
Mr. Claude Rosette – Respondent

RULING

[1]The Fair Trading Commission (the Commission) registered a complaint on the 12th of February, 2014 from one Mr. Clifford Bristol, now the complainant against Mr. Claude Rosette, a draughtsman by profession and now respondent herein. The complaint was to the effect that the complainant had paid to the respondent the sum of SR.1,500 to prepare and submit a house plan at the Seychelles Planning Authority on his behalf. The respondent did not deliver this service.

[2]Upon receiving the complaint officers of the Commission attempted to contact the respondent but to no avail. Based on the evidence gathered from the complainant and correspondences with the Seychelles Planning Authority the Commission was satisfied that there was a possible breach of Section 40(1)(a) and (b) of the Consumer

Protection Act, 2010 and deemed it necessary for a case against Mr. Claude Rosette to be determined by the Board of Commissioners. The said section is reproduced below;

> *"**40.(1)** Subject to this Part, where a supplier undertakes to perform any service for or on behalf of a consumer, the supplier shall –*
>
> *(a) perform and complete that service in a timely manner and give to the consumer notice of any unavoidable delay in the performance of the service;*
>
> *(b) perform the service in a manner and of a quality that persons are generally entitled to expect."*

[3]After several failed attempts to locate Mr. Rosette the Board of Commissioners finally convened for a formal hearing on Wednesday 3rd September, 2014. Mr. Trevor Louise, Legal Officer from the Commission appeared on behalf of the complainant and informed the Board that the respondent had fully settled the case and that Mr. Bristol was satisfied with the refund. After producing the relevant receipts as prove Mr. Louise had no further representations with regards to the case.

[4]When questioned Mr. Rosette intimated that although he has not been co-operative with the Commission it has always been his intention to settle this matter but it was only a question of securing the necessary funds.

[5]The Board of Commissioners deliberated on the matter and has taken all evidence produced into consideration. The Board of Commissioners finds the respondent, Mr. Claude Rosette to be in contravention of Section 40(1)(a) and (b) of the Consumer Protection Act, 2010. Given that the respondent has settled the requested refund in full the Board of Commissioners shall make no further findings on the issue and mark the matter as closed. We so order.

[6]The parties are free to appeal against this ruling to the Appeal Tribunal *(See Section 44 of the Fair Trading Commission Act, 2009 and Section 77(1) of the Consumer Protection Act, 2010)*

Pronounced by us on this .....16th..... day of January, 2015.

Mr. Philippe Chong-Seng	**Mrs. Jenna Thelermont**	**Mr. Victor Pool**
Chairperson	**Commissioner**	**Commissioner**