THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
L.D BUILDERS
(Rep herein by Mr. Luciano Denousse)

Case No: CPA.14.081

Complainant – Mr. Christopher Laurence
Respondent – L.D Builders

QUORUM:
Mr. Victor Pool – Commissioner (Presiding)
Mr. Philippe Chong-Seng – Commissioner
Mrs. Jenna Thelermont – Commissioner

For the Complainant
Mr. Ziggy Adam – Legal Officer (FTC)

For the Respondent
Mr. Luciano Denousse – Respondent

RULING

[1]The Fair Trading Commission registered a complaint from Mr. Christopher Laurence of La Retraite on the 14th of April, 2015 against L.D Builders of Belioere, represented herein by Mr. Luciano Denousse. The complaint was to the effect that Mr. Laurence, the complainant, contracted the respondent, L.D Builders on the 6th of March, 2015 for the construction of a wooden deck at his premises at La Retraite. A total sum of SR.36,000 was paid to the respondent out of which SR.25,000 was to be used to purchase materials. When the respondent failed to complete the project in three weeks as agreed the complainant sought the assistance of the Commission. Identifying possible breach of Section 40 of the Consumer Protection Act, 2010 the Commission investigated the complaint further.

[2]During the investigation process officers of the Commission discovered, through receipts collected, that out of the SR.25,000 meant for purchasing materials only SR.13,674.49 was actually used for that purpose. The respondent accepted responsibility and signed an undertaking on the 28th May, 2015 to the effect that he would complete the remaining works on the wooden deck by the 11th June, 2015. The respondent did not honour this agreement. There being no remedy provided to the complainant the Commission therefore filed a case before the Board of Commissioners for the contravention of Section 40(1)(a) of the Consumer Protection Act, 2010.

[3]The Board of Commissioners convened for the hearing of this matter on the 4th November, 2015. Mr. Ziggy Adam, Legal Officer of the Fair Trading Commission represented the complainant and presented the Commission's findings to the Board. Mr. Laurence also gave evidence and requested that he be refunded the outstanding balance of SR.11,325.40 in a reasonable amount of time.

[4]The respondent, Mr. Denousse, testified and took full responsibility for the matter and intimated that he was ready and willing to provide the refund in instalments. A verbal agreement was reached with both parties that the respondent would make monthly payments of SR.2,000 starting from the end of November, 2015 until the balance owed is paid in full.

[5]Since then the Board of Commissioners was informed that the respondent duly made the first payment on the 30th of November, 2015. Henceforth, the Board shall order that L.D Builders pays the remaining sum of SR.9,325.40 in the following manner;

- **SR.2,000 on or before the 31st of December, 2015;**
- **SR.2,000 on or before the 29th of January, 2016;**
- **SR.2,000 on or before the 29th of February, 2016;**
- **SR.2,000 on or before the 31st of March, 2016; and**
- **SR.1,325.40 on or before the 29th April, 2016.**

[6] Upon further deliberations the Board took notice of a signed undertaking which the respondent failed to adhere to which is another contravention of the Consumer Protection Act, 2010. **The Board shall therefore impose a monetary fine for the said contravention in the sum of SR.1,000 to be paid by the respondent on or before the 29th of April, 2016.**

[7]**All payments are to be made to the office of the Fair Trading Commission**

[8]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).*

[9]We so rule accordingly.

Pronounced by us on this 11th day of December, 2015.

Mr. Victor Pool
Commissioner (Presiding)

Mr. Philippe Chong-Seng
Commissioner

Mrs. Jenna Thelermont
Commissioner