



November 8, 2013

[REDACTED]

[REDACTED]

Bell Canada
5115 Creebank Rd., 2W
Mississauga, ON L4W 5R1

RE: File Number CCTS #307027

On October 1, 2013, we issued a Recommendation regarding the above complaint. Bell accepted the Recommendation but [REDACTED] has exercised her right to reject it. Thus I am required to issue a Decision under Section 11 of our Procedural Code ("the Code").

Our Recommendation

[REDACTED] complaint is that Bell transferred the responsibility for her ex-husband's account into her name without her consent. As a resolution, she asked that Bell waive the outstanding balance on the disputed account, remove any mentions of her name on the account, correct her credit bureau file and send her a letter confirming that this situation should not have affected her credit bureau. In addition, she requested that Bell provide her a cheque in the amount of \$2,542.50 which represents expenses that she said she incurred to hire [REDACTED] a paralegal, in order to file and pursue her complaint with CCTS.

After investigating [REDACTED] complaint, we concluded that Bell was unable to provide evidence to demonstrate that [REDACTED] had consented to the transfer of responsibility of her ex-husband's account, and, as a result [REDACTED] should not be held responsible for the account.

We recommended that Bell eliminate the outstanding balance and remove [REDACTED] information from the account. Bell had informed CCTS that the account had not been reported to any credit reporting agency, so we also recommended that Bell confirm in writing to [REDACTED] that no report of this debt had been submitted to any credit reporting agency.

[REDACTED] had asked CCTS to recommend that Bell compensate her for the fees she incurred in having [REDACTED] file and pursue this complaint at CCTS. We declined to so recommend, on the basis that the CCTS process is non-legalistic and is designed to permit customers to pursue their complaints directly with CCTS, without the assistance of a paid agent, and that [REDACTED] had not demonstrated any incapacity on her part that would justify the need to have retained [REDACTED] in this context.

However, we recognized that [REDACTED] has experienced inconvenience as a direct result of this dispute with Bell and we recommended that Bell compensate her in the amount of \$400 for this inconvenience.

[REDACTED] Response to the Recommendation

[REDACTED] rejected our Recommendation. Under Section 11 of the Code, the party objecting to the recommendation is required to explain why he or she considers it to be unacceptable or inappropriate.

[REDACTED] wrote to CCTS explaining that although she agrees with CCTS's determination that Bell erred in transferring responsibility for the account into her name, she feels that the amount of compensation recommended by CCTS is insufficient and that Bell should be responsible for the costs she incurred in hiring [REDACTED] to deal with the complaint on her behalf.

[REDACTED] explained that she did not contact CCTS directly because:

- She was unaware that CCTS existed (although she concedes that CCTS' contact information appears on her Bell invoice from time to time). It was [REDACTED] who was aware of CCTS and he filed the complaint on her behalf;
- She is the single parent of two teenagers and runs a small business; and
- In hindsight, seeing the amount of activity that took place among [REDACTED] Bell and CCTS, she is convinced that she could not have dealt with the matter on her own.

Our Analysis

In our Recommendation we assessed [REDACTED] inconvenience at \$400. The basis for that analysis is detailed in the Recommendation.

Section 12.2 of the Procedural Code makes it clear that such an award is not to be used to punish the service provider, but rather to properly compensate the customer for *“any loss, damage or inconvenience incurred by the Customer arising directly from the circumstances of the complaint”*.

Section 11.5 of the Procedural Code describes the authority of the Commissioner in reaching a Decision:

“In formulating the Decision, the Commissioner shall consider whether there is substantial doubt as to the correctness of the Recommendation. If in the Commissioner’s discretion there is doubt as to the correctness of the original Recommendation, the Commissioner’s Decision may amend or modify the remedy recommended to the Customer and the Participating Service Provider in the Recommendation, or may impose a remedy not previously recommended.”

In my analysis it is appropriate to view this complaint in two stages – the stage before, and after, the complaint was brought to CCTS.

Prior to CCTS Complaint

The available evidence suggests that [REDACTED] initially brought her concerns to Bell's attention in November 2012. Bell's November 29, 2012 call note makes it abundantly clear that Bell was aware that it had made an error in transferring responsibility for the account to [REDACTED]. The Bell agent attempted to have the issue resolved but was unsuccessful. She referred the matter to a manager and informed [REDACTED] that the manager would take care of the matter.

Unfortunately the manager did not take care of it and did not contact [REDACTED]. No one from Bell did so. However, Bell did continue to bill [REDACTED] for the account (until April 2013) and in November 2012 also referred the account for collection.

[REDACTED] describes making many calls to Bell in order to try and have this problem resolved (at least seven between December 2012 and March 2013). She also describes receiving communications from Bell's collections agents.

In about February 2013, having made no progress, [REDACTED] retained [REDACTED]. Considering the lack of progress she was making with Bell, the potential cost of responsibility for the disputed account, and in light of the fact that [REDACTED] was unaware of CCTS, this seems like a reasonable step for her to have taken. Thereafter [REDACTED] wrote and spoke to Bell.

Throughout, Bell continued to deny that any error had been made.

[REDACTED] filed [REDACTED]'s complaint with CCTS on March 1, and CCTS accepted it on March 13, after having sought and obtained some additional information required under our Procedural Code. [REDACTED] [REDACTED] advised us that by mid-April his fees were at approximately \$1,000.

In the circumstances, and particularly in light of Bell's knowledge of the error and its failure to remedy it, I conclude that it was reasonable for [REDACTED] to have sought professional assistance in dealing with this potentially costly error by Bell. In my view, the fees incurred to [REDACTED] to that date can reasonably be considered to have arisen directly from the circumstances of the complaint.

Following CCTS Complaint

We are mindful of the time and effort that is required of any customer to pursue a complaint with their telecommunications service provider, either directly or through CCTS. We understand that this involves the dedication of personal time and effort on the customer's part, that most consumers have busy personal lives, and that it can be difficult to make the necessary time available. That is one reason why the CCTS process is designed to be customer-friendly – uncomplicated and not legalistic. Thousands of customers approach CCTS directly each year with complaints of varying levels of complexity, and have their complaints concluded without the need for the assistance of a representative.

Some customers suffer from some incapacity or disability that makes it particularly challenging or problematic for them to communicate with CCTS directly. In such cases, CCTS makes allowances for the need for an intermediary. In our Recommendation we explained that [REDACTED] had provided no evidence that she could not have communicated directly with CCTS. [REDACTED] letter rejecting the Recommendation addresses this issue but provides no evidence that she was incapable of dealing with CCTS directly.

We accept that [REDACTED] was initially unaware of CCTS. However, [REDACTED] was aware and told her about CCTS prior to filing the complaint on March 1.

In addition, on a number of occasions CCTS staff attempted to contact [REDACTED] directly to discuss the matter, but she declined to return the calls and emails. Had she spoken to CCTS staff, she would have been told that incurring these professional fees was unnecessary and her costs could have been mitigated. Instead, she chose to communicate through [REDACTED]

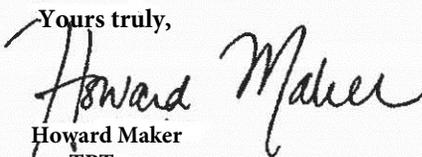
Bell's responsibility is to compensate [REDACTED] for the difficulties she encountered that flow directly from Bell's failure to meet its obligations to her. We do not feel that the fees incurred subsequent to the filing of the CCTS complaint can properly be considered as having arisen directly from the issue with Bell.

Decision

I conclude that it was reasonable for [REDACTED] to have sought [REDACTED]'s assistance in dealing with Bell on this issue. The amount of [REDACTED]'s fees to the date the complaint was filed with CCTS represents a reasonable measure of [REDACTED]'s loss or inconvenience to that date. The fees incurred subsequent to the filing of the complaint could have been avoided, and I do not feel it appropriate to require Bell to bear responsibility for them.

I therefore confirm the provisions of the Recommendation that require Bell to waive the outstanding balance on the account, remove [REDACTED]'s name from the account, and confirm to [REDACTED] in writing that no report of the debt has been submitted to any credit reporting agency. I modify the provision requiring Bell to provide compensation to [REDACTED] by deleting the amount of \$400 and substituting the amount of \$1,000.

Yours truly,


Howard Maker
per TPT

Attachments: Recommendation and Procedural Code