



With regard to ██████'s compensation request, we accepted the allegation that she was unable to contact Brama by phone and felt compelled to visit its office to obtain some help. However, given ██████'s proximity to Brama's address, CCTS felt that three hours of her time would have been sufficient for a return trip. It seems that she would have spent very little time at Brama's office as there was no one present there who could assist in resolving her problem. So we recommended that she be compensated for three hours of her inconvenience at the hourly rate that she requested, and rounded the final figure up to \$50.

In summary, we recommended that Brama refund the \$182.32 overcharged to ██████ and pay her \$50 in compensation.

### ██████'s Objections

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. ██████ provided her objections to CCTS on July 27, 2015.

Specifically, ██████ objects to the portion of the Recommendation that requires Brama to pay her \$50 for her inconvenience. In her words, she requests to receive the maximum amount allowed under the law.<sup>2</sup>

██████'s objection is based on the following arguments:

- 1) Brama deserves to be punished for its apparent lack of concern for her issues; and
- 2) She deserves to be compensated for the stress caused by this situation.

### Analysis of the Objection

In regard to the argument that CCTS should punish Brama for its lack of concern about her situation, we refer ██████ to section 12.2 (b) of CCTS' Procedural Code<sup>3</sup>, which states that CCTS: "shall not make an award that is punitive of the Participating Service Provider". Thus CCTS cannot increase the amount of compensation to serve as punishment to Brama.

In regard to ██████'s argument that she should be compensated for the stress that she has incurred arising from this matter, we sympathize with her. One would expect that a service provider that has improperly taken money from a customer would respond properly to the customer's complaint and would promptly refund the money to which it was not entitled. Unfortunately this did not occur. We have no doubt that ██████ made efforts to communicate with Brama about the dispute, and that Brama failed to make any good faith effort to resolve it. In fact Brama has also failed to respond properly to CCTS in connection with this matter. However, under section 12.2 (a) of the Procedural Code CCTS has the authority to compensate customers for "loss, damage or inconvenience" arising from the complaint. CCTS does not have the expertise to assess the health impacts of situations like this on customers.

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<sup>2</sup> ██████ presumably meant the maximum amount allowed under CCTS' Procedural Code (i.e. \$5,000)

<sup>3</sup> <http://www.ccts-cprst.ca/wp-content/uploads/2012/01/CCTS-Procedural-Code-Jan-2012.pdf>

For these reasons, we are unable to accept [REDACTED]'s demand that we increase the amount of compensation called for in the Recommendation.

#### **Decision**

Section 11.5 of our Procedural Code provides that in formulating a Decision the Commissioner shall consider whether there is substantial doubt as to the correctness of the original Recommendation.

In my opinion, [REDACTED] has not raised sufficient doubt as to the correctness of the Recommendation, and accordingly I confirm the Recommendation in this Decision.

Further to Section 11.7 and 11.8 of our Procedural Code, [REDACTED] may accept or reject this Decision within 20 days of receipt, and we ask that she inform us of her decision as soon as possible. Should she decide to reject this Decision, she may pursue this complaint through any other forum and Brama shall be fully released from the Decision.

A copy of our Procedural Code is attached for reference.

Sincerely,

Howard Maker  
Commissioner