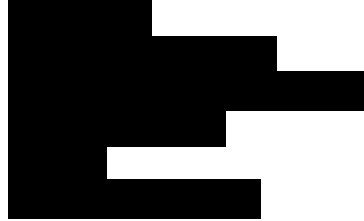


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August 8, 2018



John Vamvakas  
BV Communications  
359 Saint Croix Avenue, Suite 100  
Saint-Laurent, Québec  
H4N 2L3

**RE: CCTS file #863651**

On July 26 2018, we issued a Recommendation regarding the above complaint. As BV Communications (“BV”) rejected our Recommendation, I am required to issue a Decision under Section 13 of our Procedural Code (“the Code”).

**Our Recommendation**

On July 31, 2017, [REDACTED] transferred his 7 business telephone numbers from BV to Videotron. As of August 1, 2017, all 7 numbers were being serviced and billed by Videotron. Despite the successful transfer, BV continued to bill [REDACTED] business every month for the 7 numbers. [REDACTED] most recent invoice shows a balance owing of \$4,170.32. [REDACTED] and employees of his business made multiple attempts to contact BV from October 2017 until May 2018 to request that it stop billing for service it no longer provided. BV did not respond to these requests. BV also failed to respond to the inquiries made by the lawyer retained by [REDACTED] to pursue the matter with BV.

The CCTS made multiple attempts to contact BV for information from the time the complaint was accepted on May 25, 2018 until the Recommendation was issued on July 26. BV did not cooperate with these requests and did not provide any documentation.

As we were unable to obtain a response to the complaint from BV, we had no choice but to base our Recommendation solely on information provided by [REDACTED]

Accordingly, we recommended that BV cease billing [REDACTED] account, remove all of the amounts owing, close [REDACTED] account, confirm that there will be no credit reporting regarding the outstanding balance and withdraw any that has been made, as well as provide compensation in the amount of \$1,300 plus taxes. We determined that this sum was appropriate to compensate [REDACTED]

for the time that he and his employees spent on this matter, as well as the amount [REDACTED] paid to his lawyer to pursue this matter with BV.

## **Objection**

Under Section 13 of the Procedural Code a party may reject a Recommendation. That party is required to explain why he or she considers it to be inappropriate. The Commissioner is required to determine whether there is substantial doubt as to the correctness of the Recommendation. [REDACTED] accepted the Recommendation, but BV rejected it on July 27, 2018.

BV stated that it has now credited [REDACTED] account for the incorrect billing that has occurred since August 2017.

BV claims that [REDACTED] port request occurred on August 3, 2017, not August 1, as was indicated in the Recommendation. BV therefore claims that it is entitled to charge for 3 days of the phone service.

BV claims that [REDACTED] had also subscribed with it for an email hosting service, and that [REDACTED] did not ask BV to cancel this service, as it does not form part of the port order. BV states that it called the customer in February 2018 regarding the email hosting service, and the customer informed BV at that time that it wanted to cancel that service. BV stated that it has credited [REDACTED] for the email hosting service since March 2018, after the service was cancelled, but that charges up to and including February 2018 are valid.

For these reasons, BV contends that further compensation is not warranted as the charges have now been credited and there is still a balance owing by [REDACTED]

## **Analysis of the Objection**

After the Recommendation was issued, BV provided a copy of the port order that it received from Videotron, dated August 2, 2017, demonstrating that the port was to occur on August 3, 2017. BV also provided a document dated August 1, 2018 that demonstrates that charges for phone services billed but not rendered have now been credited from August 3, 2017 until July 31, 2018.

This document confirms that the charges for phone services between August 1 and August 3, 2017 are valid. Based on [REDACTED] monthly price for phone services being \$278.50, 3 days of service amounts to \$26.95.

[REDACTED] stated that he believed that his email hosting services with BV would be cancelled when his telephone lines were ported, and did not know he had to make a separate request to have them cancelled. He further stated that he had not used the email hosting service since 2015, but the email

hosting service was part of the contract, so he continued to pay for it. Nonetheless, [REDACTED] informed us that he accepts that BV should be paid for the hosting service until the date of cancellation.

The email hosting service was charged at \$29.95 per month, plus applicable taxes. This totals \$241.05 for 7 months of unpaid service from August 1, 2017 until February 28, 2018. Since there is no indication in the correspondence sent from [REDACTED] to BV that he wished to cancel the email hosting services as well as the telephone services, the charges for the email hosting service seem valid until February 2018.

This leaves a total unpaid balance of \$268.00.

## **Decision**

Section 13.2 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, BV knew or ought to have known that it was no longer providing business telephone service to [REDACTED] as of August 3, 2017, but BV continued to bill [REDACTED]. Further, BV failed to respond to communications from [REDACTED] his employees, his lawyer and the CCTS to resolve the issue prior to the CCTS issuing a Recommendation. BV is entirely responsible for the needless escalation of this complaint as well as the loss, damage and inconvenience incurred by [REDACTED] in attempting to resolve it.

BV has demonstrated that the Recommendation should be adjusted so that BV is credited for 3 additional days of business telephone service (\$26.95), and 7 months of email hosting service (\$241.05), totalling \$268.00. Otherwise, BV has provided nothing to persuade me that any other aspect of the Recommendation is incorrect or otherwise inappropriate and thus I confirm the balance of the Recommendation.

In summary, my Decision is that BV will:

- close [REDACTED] account to a zero balance;
- correct or withdraw any credit reporting that has been made regarding the balance that was allegedly owing;
- immediately pay to [REDACTED] the sum of \$1,144.31 by way of compensation.

Further to Section 13.4 of our Procedural Code, [REDACTED] may accept or reject this Decision within 20 days of receipt, and we ask that he inform us of his decision as soon as possible. Should he decide to reject this Decision, he may pursue this complaint through any other forum and BV shall be fully released from the Decision.

A copy of our Procedural Code is attached for reference.

Sincerely,

Howard Maker  
Commissioner