

YOUR MONEY SORTED



THE WHEELS OF JUSTICE

When it comes to problems with your car and the dealership you bought it from, you have recourse. Know your rights!

GO TO you.co.za FOR MORE FINANCIAL ADVICE

BY LETITIA WATSON

Send suggestions for topics and requests for info to yourmoney@you.co.za. We may answer your questions in this column but won't reply personally.

MANY of us have been there – our car is giving us trouble but the dealership is brushing us off.

Luckily there's a way to get them into gear that you may not know about: lodging a complaint with the motor industry ombudsman of SA (Miosa).

This independent organisation helps solve disputes between consumers and service providers in the motoring indus-

try. For example: someone bought a car with 107 000km on the odometer from a dealership, only to find out from another dealership a month later that the same car had already had 135 000km on the clock three years earlier. Or the guy whose scooter broke down after having done only 500km.

In both cases the ombudsman found in favour of the consumer, but it can also go in favour of the dealership if the evidence suggests it should.

FIRST THINGS FIRST

Before lodging a complaint with the ombudsman you need to prove you'd tried solving the dispute yourself. Always do your homework before complaining to the service provider. For example, you need to make sure you understand the original sale agreement, including what the warranty and service plan entails. If you're sure you have a case, here's what to do.

■ Contact the service provider or dealership and find out who to speak to. Make an appointment to discuss your complaint with the relevant person.

■ Don't get emotional; approach the matter in a civilised manner. Write down everything that was said, including where and when the discussion took place, and what the outcome was.

■ If you're dissatisfied with how the complaint was handled, you can insist a representative of the vehicle manufacturer reviews the complaint. The manufacturer's client services department can help you with this. Be sure to keep a record of this step too.

CONTACTING THE OMBUDSMAN

If you've spoken to the dealership and the manufacturer and feel the matter remains unresolved, you can contact the office of the ombudsman.

First, complete the complaint form and lodge it. You can do this online ([go to miosa.co.za](http://go.to/miosa.co.za)). You can also download the form and email (info@miosa.co.za) or fax (086-630-6141) the completed form to the office of the ombudsman.

If you have any questions call the office of the ombudsman on 0861-164-672.

It's important you complete the form in full to avoid delaying the process. You'll be asked to explain exactly what happened, and when. The complaint has to be in writing to avoid any misunderstandings.

TIP

Keep your complaint as short and to the point as possible, and stick to the facts.

WHAT HAPPENS NEXT?

Once the complaint is lodged the ombudsman forwards it to the relevant service provider for comment. If necessary the ombudsman will send out a technician to inspect the vehicle and might request additional information from both parties.

Once you've lodged the complaint, stop discussing the matter with the other party – unless the ombudsman orders you to.

Once the ombudsman's office is satisfied it has all the relevant documents and information the issue will be assessed technically and legally, after which the ombudsman will reach a decision.

The process usually takes about 30 working days from when the documentation is lodged, but it can take longer if there's missing information or if an in-depth investigation is needed.

If you choose to take the problem to Miosa, keep in mind that you'll have to accept the ombudsman's decision. When you lodge a complaint, you'll sign a document agreeing to accept the outcome as final, subject only to your constitutional rights.

The ombudsman's recommendation depends on the situation. If you bought a faulty product, like in the case of the aforementioned scooter, he may recommend the dealer compensate the consumer for the purchase price. Or, if it turns out the problems with the car are more than normal wear and tear, the dealer will be ordered to make the necessary repairs at their expense.

It may also be that the engine problems are caused by an exter-

nal factor that's not the dealer's responsibility.

HOW MUCH?

The ombudsman's service is free but should a technical inspection be necessary the complainant has to pay for it. However, the ombudsman must get permission from the complainant before going ahead with this. The complainant has to cover this cost even if it's found the other party was in the wrong.

GOOD TO KNOW

The ombudsman can only get involved in a dispute if it's been less than three years since the complainant became aware of the problem. The ombud also won't get involved in private transactions.

194 845

The number of calls received by the ombudsman's information office in 2017

THE TOP FIVE MOST-FREQUENT COMPLAINTS INVOLVED

- 1 Bad service
- 2 Vehicle engines
- 3 Legal issues
- 4 Agreements between consumers and service providers
- 5 Gearboxes

SOURCE: Miosa Annual Report 2017