

complaint

Mrs D complains that Bank of Ireland (UK) plc, trading as Post Office Financial Services, will not refund to her the money that she paid, using her Post Office credit card, for some car repairs. Her complaint is made against the Post Office under section 75 of the Consumer Credit Act 1974.

background

Some repairs were made to Mrs D's car by a garage. She suffered further problems with her car, some – but not all - of which were repaired by the garage. She complained to the garage and then to the Post Office but was not satisfied with its response so complained to this service.

The adjudicator did not recommend that this complaint should be upheld. She concluded that there was no evidence to show that the problems with Mrs D's car in November 2010 and May 2011 were as a direct result of the engine fitted by the garage and that she could not say that there had been a breach of contract by the garage.

Mrs D has asked for her complaint to be considered by an ombudsman.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

In certain circumstances, section 75 gives a consumer an equal right to claim against the supplier of goods or services or the provider of credit if there has been a breach of contract or misrepresentation by the supplier. To be able to uphold Mrs B's complaint, I must therefore be satisfied that there has been a breach of contract by the garage.

It is clear that the garage agreed to supply and fit a replacement engine to Mrs D's car in October 2010. It is also clear that Mrs D suffered further problems with the car, some of which were repaired by the garage. However, I am not persuaded that there is enough evidence for me to be able to safely conclude that the further problems with the car were directly caused by the garage's failure to properly supply and fit the replacement engine.

As such, I am not persuaded that there is enough evidence to show that there has been a breach of contract by the garage. I therefore do not consider that it would be fair or reasonable for me to require the Post Office to refund to Mrs D the money that she has paid to the garage.

my final decision

For these reasons, my decision is that I do not uphold Mrs D's complaint.

Jarrold Hastings
ombudsman