

But for the Plan (USA Consumer Problem)

Mike had purchased his dream car, a 2010 Mustang GT. His plan was to ship it to Las Vegas, where a major car customizing company ("Company") was going to convert it into one of its "signature" Mustangs. Arrangements were made through a local Canadian distributor. The contract was signed and the vehicle was on its way by truck, to be returned to Mike a few weeks later.

But the customization was taking longer than it should. Then Mike received the bomb-shell news: nothing had been done to his vehicle, it would be returned to him in its original state.

The Company had learned that for a customized vehicle to be shipped back to Canada, it needed Canadian Department of Transportation approval. These regulations were, apparently, rarely enforced in the past, but lately the Government of Canada had become more vigilant, requiring importers to subject the vehicle to various tests, including crash tests, costing millions of dollars!

Mike thought the story was over, but shortly thereafter the Company advised him that its earlier email to him was wrong. It had, in fact, already commenced custom work on his vehicle, and it could not simply return it to him as had been suggested.

What to do? Mike had a seasonal residence in the United States, so the Company suggested that he register and plate the vehicle there, and then bring it into Canada as a visitor. This would cost about \$6,000.00 extra! But when Mike wisely contacted the Canadian authorities, he was told that the scheme would not work.

Next, the Company suggested that Mike just use the vehicle in the United States, and he was very tempted to do just that. What a predicament! Mike had already paid a large deposit, but his dream vehicle was in another country, perhaps permanently.

Then Mike remembered his Unifor Legal Services Plan coverage. He met with the Managing Lawyer at the Oakville office, who had a hunch that the first of the Company's contradictory stories was the correct one, that customization had not begun. He quickly wrote a letter to the Company and its Canadian agent. Citing breach of contract and negligent importation advice, he demanded an immediate return of the vehicle as it was when it left Canada and a full refund of the deposit.

Within days, the Company responded. The vehicle had not been customized. It was returned to Mike and his deposit was fully refunded.

But for the Unifor Legal Services Plan, it is likely that Mike would have paid in full for the customization of his dream vehicle and driven it only periodically, in the United States.

Quick action and good instincts allowed Mike to receive a far better outcome than he had anticipated. Once again, the Unifor Legal Services Plan assisted its member in obtaining relatively quick and affordable access to justice.



*... Submitted by Paul Vayda,
Managing Lawyer
Oakville Office*