

## Info

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**From:** Fax [fax@sisha.net]  
**Sent:** 02 May 2014 07:31  
**To:** mi.ombudsman@netactive.co.za  
**Subject:** Fax to: 0866306141 - from: 0214241435



### Fax Details

For Attention	mi.ombudsman@netactive.co.za
Email Address	mi.ombudsman@netactive.co.za
Fax Number	0866306141
Pages Sent	7
From Fax Number	0214241435
Time Received	2014-05-02 07:08:05

Regards,

Thank you for using Sisha Fax. Technical Support: tech@sisha.net General Queries and Support: support@sisha.net Visit our website at: www.sisha.net Sincerely, Sisha Fax

05/05/2014





**MOTOR INDUSTRY OMBUDSMAN  
OF SOUTH AFRICA**

FOUNDER MEMBER OF THE OMBUDSMAN ASSOCIATION OF SOUTH AFRICA  
(Pty) Ltd (Reg. No. 2002/013126/07)

Tel: 0861 1 MIOSA (54872) TEL: 010 590 8378 Fax: 086 630 6141 E-mail: info@miosa.co.za  
Suite 156, Private Bag X025, Lynnwood Ridge, 0040

## **ASSISTANCE REQUEST FORM**

The office of the Motor Industry Ombudsman of South Africa (MIO) deals with all complaints on a "first come first serve" basis.

Reference No: 323794  
For official use only

The MIO must be informed immediately, should the circumstances regarding your complaint change before this the office of the MIO can attend to it. This also applies while this office is processing your complaint.

The ambit of the MIO's mandate to deal with complaints is confined to the boundaries of the terms and conditions of the agreement the contracting parties entered into, excluding issues which are of an indirect or consequential nature flowing from such a contract.

The MIO will not deal with a complaint which falls within the mandate of any other ombud whether regulated or recognised by its industry.

The MIO will not deal with a complaint when legal action has been instituted by either party. In addition the MIO will not entertain the resolution of a dispute when "prima facie" it appears that a criminal offence has been committed by either party or where it appears from any statute of the Republic of South Africa (RSA) that the MIO has no jurisdiction.

The MIO will not deal with a complaint when it is lodged on the grounds of delict, claiming damages from the other party.

The following parties should have been approached before officially lodging your complaint with the MIO:

- DEALER / SERVICE PROVIDER
- MANUFACTURER / IMPORTER

MANUFACTURER'S/IMPORTER'S COMPLAINT REFERENCE NO.: CRM8000001867\_SALFA2AD0BH252977

**Failure to complete this section fully, may lead to your complaint not being processed**

Only complete this form fully, once you have established that no solution can be reached in respect of your complaint.

- No complaint can be processed without ALL the information required
- If you have signed a MIO Transaction Protected Project contract at your dealership/service provider please attach it.

WHERE DID YOU HEAR ABOUT THE MIO: ONLINE

DATE SUBMITTED : 01 MAY 2014

**Failure to complete this section fully, may lead to your complaint not being processed**

**1. a) If Complainant is an Individual:**

TITLE (Hon, Dr, Mr, Mrs, Miss, Ms): MR  
SURNAME: NORVAL  
FIRST NAMES: RYAN

**b) Name of Individual/Organisation authorized to act on the Complainant's behalf:**

TITLE (Hon, Dr, Mr, Mrs, Miss, Ms): \_\_\_\_\_  
SURNAME: \_\_\_\_\_  
FIRST NAMES: \_\_\_\_\_

**2. If the Complainant is a:**

Partnership  Company  Close Corporation  Trust  Association

NAME OF ORGANISATION: \_\_\_\_\_  
Full name and capacity of representative: \_\_\_\_\_

**3. All Complainants:**

DAYTIME TEL: 264 735755442 FAX : \_\_\_\_\_  
ID Number: 7909235207086 CELL: +254 735 755 442  
E-MAIL: RNORVAL@GMAIL.COM

Preferred means of contact:  FAX  EMAIL

**Confirmation of Jurisdiction and Undertaking**

I R.NORVAL (the complainant or representative of the complainant), confirm that I have given the Manufacturer/Importer/Dealer/Service Provider an opportunity to resolve the complaint before submitting this form to the MIO.  
When I did this I spoke to Mr/Ms MR LAELO MAHUMA  
of JAGUAR LANDROVER on or about 6 MARCH 2014 - 26 MARCH 2014

I have applied to the MIO for assistance because: (Please tick)

- (a)  My complaint was not resolved by the Manufacturer/Importer/Dealer/Service Provider over 3 MONTHS (period of time).
- (b)  The Manufacturer/Importer/Dealer/Service Provider rejected my complaint and I am unhappy with the result. (Please attach a copy of the letter if any)

**Failure to complete this section fully, may lead to your complaint not being processed**

**(The witnesses are to witness your initialing of these pages)**

Complainant Initial: 

Witness 1 Initial: ~

Witness 2 Initial: MCE

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I understand that the MIO may only investigate my complaint if it falls within the jurisdiction of the MIO and it: (Please tick)

- (a)  Is against the Manufacturer/Importer/Dealer/Service Provider of the vehicle in question;  
 (b)  Involves the service, advice or products provided by the Manufacturer/Importer/Dealer/Service Provider;  
 (c)  arose within the last three (3) years;  
 (d)  has caused me loss and/or distress and inconvenience.

I confirm that my complaint is not:

- the subject of any legal proceedings. If I have consulted an Attorney it has only been to get advice or assistance in drafting my complaint.  
 (Please tick to verify)

**Failure to complete this section fully, may lead to your complaint not being processed**

### VEHICLE DETAILS

MAKE:	LAND ROVER		
MODEL (YEAR):	FREELANDER 2 HSE (2011)		
REGISTRATION NO.:	BJ01MJGP		
ENGINE NO. (on license disc):	DZ784018674224DT		
VIN NO. (on license disc):	SALFA2AD0BH25297		
GEARBOX:      MANUAL / AUTOMATIC	AUTOMATIC		
DATE OF PURCHASE & KILOMETRES:	DATE	DEC 9 2011	KM      16 000
DATE DISPUTE BEGAN & KILOMETRES:	DATE	JAN 21 2014	KM      80 000
KILOMETRES NOW:			
IS SERVICE HISTORY UP TO DATE:	YES		
WAS VEHICLE UNDER WARRANTY AT TIME:	YES		
IF SO WHO IS THE WARRANTOR:	LAND ROVER SOUTH AFRICA		
ROAD VEHICLE USED ON - TAR / DIRT:	TAR		
NUMBER OF DRIVERS USING VEHICLE:	1		
FINANCED BY (FINANCIAL INSTITUTION):	WESBANK MCCARTHY FINANCE		
ACCOUNT NUMBER OR REFERENCE NUMBER:	85183608486		

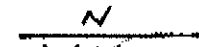

**Failure to complete this section fully, may lead to your complaint not being processed**  
**(The witnesses are to witness your initialing of these pages)**

Complainant Initial:




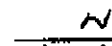

Witness 1 Initial:

Witness 2 Initial:

**Failure to complete this section fully, may lead to your complaint not being processed**

**DETAILS OF WHOM COMPLAINT IS AGAINST**

NAME OF DEALERSHIP/SERVICE PROVIDER		LAND ROVER CENTURION	
DEALER GROUP: e.g. Imperial/Mccarthy /AMH/CMH/Supergroup/Unitrans, etc.		JAGUAR LAND ROVER SOUTH AFRICA	
SUBURB / TOWN / CITY		CENTURION	
TEL NO	012	678 0044	
FAX NO			OR
E-MAIL			
NAME OF DEALER PRINCIPAL/MANAGER		CRAIG ROHLAND	
RESPONSE IN SHORT: LAST VISIT DENIED, ADVICE DENIED NO FURTHER COMMENTS PENDING INVESTIGATION BY MIO			
NAME OF MANUFACTURER/IMPORTER			
TEL NO			
FAX NO			OR
E-MAIL			
NAME OF CONTACT PERSON			
RESPONSE IN SHORT:			
<b>OTHER DEALERSHIPS/SERVICE PROVIDER INVOLVED WHOM YOU HAVE CONTACTED:</b>			
NAME OF DEALERSHIP/SERVICE PROVIDER		LAND ROVER SOUTH AFRICA CLIENT SERVICE	
TEL NO	0860	0110090	
FAX NO			OR
E-MAIL	LMAHUMA@JAGUARLANDROVER.CO.ZA		
NAME OF CONTACT PERSON LAELO MAHUMA			
RESPONSE IN SHORT: GIVEN SERVICE HISTORY CANNOT SEE LIABILITY, DEALER WITHOLDS FURTHER COMMENT PENDING MIO INVESTIGATION			
<b><u>Failure to complete this section fully, may lead to your complaint not being processed</u></b>			
<b><u>(The witnesses are to witness your initialing of these pages)</u></b>			
Complainant Initial:		Witness 1 Initial:	
		Witness 2 Initial:	

**WHAT YOUR COMPLAINT INVOLVES**

**MARK WITH X :**

<input type="checkbox"/>	Engine	<input type="checkbox"/>	Differential	<input type="checkbox"/>	Steering	<input checked="" type="checkbox"/>	Tyres
<input type="checkbox"/>	Service	<input type="checkbox"/>	Suspension	<input type="checkbox"/>	Joints	<input type="checkbox"/>	Brakes
<input type="checkbox"/>	Body	<input type="checkbox"/>	Cooling System	<input type="checkbox"/>	Fuel System	<input type="checkbox"/>	Clutch
<input type="checkbox"/>	Starting	<input type="checkbox"/>	Gearbox	<input type="checkbox"/>	Ignition System	<input type="checkbox"/>	Shafts
<input type="checkbox"/>	Electrical	<input type="checkbox"/>	Wheels	<input type="checkbox"/>	Instrumentation	<input type="checkbox"/>	Trim
<b>OTHER:</b> ACCOMMODATION COSTS							

**DETAILS OF COMPLAINT**

Please type or write legibly on a separate piece of paper ALL the relevant facts including dates, times, places and names, preferably in date order.

NO COMPLAINT CAN BE PROCESSED WITHOUT ALL THE INFORMATION REQUIRED. THE INFORMATION SUBMITTED WILL BE USED BY THE MIO IN THE RESOLUTION OF THIS DISPUTE SO MAKE SURE THAT ALL RELEVANT DOCUMENTATION IS SUBMITTED WITH THIS FORM. THIS DOCUMENTATION WILL BE FORWARDED TO THE MANUFACTURER/IMPORTER/DEALER/SERVICE PROVIDER FOR THEIR RESPONSE.

Even if you have submitted a complaint letter, please summarise your complaint in the space below: This summary will be used by the MIO to arrive to a conclusion of the matter.

BEFORE SETTING OFF ON AN AFRICAN SAFARI I HAD MY CAR AT LAND ROVER CENTURION REPORTING A PROBLEM WITH THE STEERING CAUSING A LOUD CLICKING SOUND. I WAS TOLD THERE IS A PROBLEM WITH THE LOWER CONTROL ARMS BUT IT WOULD BE FINE TO DRIVE. THIS PART FAILED SHORTLY AFTERWARDS IN BOTSWANA DESTROYING MY FRONT TIRES AND STRANDING ME IN MAUN FOR A MONTH.

THIS WAS REPORTED IN CENTURION AROUND THE 24TH OF DECEMBER 2013, TO THE SERVICE ADVISOR - IAN WHO HAD THE MECHANIC LOOK AT IT THAT HAD WORKED ON THE CAR A FEW DAYS PREVIOUSLY ON ANOTHER MATTER (WHICH I HAD ALSO REPORTED AND WAS NOT ADDRESSED UNTIL I BROKE DOWN).

**Failure to complete this section fully, may lead to your complaint not being processed**  
**(The witnesses are to witness your initialling of these pages)**

Complainant Initial:       Witness 1 Initial: N  
 Witness 2 Initial: MCE

**What I/We want from the Manufacturer/Importer/Dealer/Service Provider**

Briefly state what outcome you hope to achieve.

REIMBURSEMENT FOR TIRES - R8832.87

BREAKDOWN ACCOMMODATION IN BOTSWANA - R2000 (MAX AS PER ROAD SIDE ASSIST POLICY)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TERMS AND CONDITIONS**

1. The MIO assists consumers to resolve their complaints by investigating and making a ruling or recommendation. This service is not the same as that provided by an attorney. **I agree not to hold the MIO or any of its staff liable for any loss or damage of any nature that I may suffer as a result of the MIO accepting and dealing with my complaint.**
2. The service provided by the MIO to consumers is free. No charge can be claimed from me for this service, except in respect of an independent expert opinion and report, which amount will be disclosed to me/us before the independent expert is mandated. The amount is payable in advance, on demand by the MIO. Nor can anyone charge a fee for supplying an Assistance Request form to me.
3. I/we know that I/we am/are entitled to withdraw my/our complaint and institute court action at any time while my complaint is being investigated by the MIO. If I/we make such a decision, I/we will inform the MIO of this in writing without delay.
4. If I/we lodge this complaint with the MIO, I/we will unconditionally and irrevocably agree to subject myself/ourselves to the jurisdiction of the MIO and will accept the outcome as final, subject only to my/our constitutional rights.
5. I/we agree, if requested, to provide the MIO or its representative with all information and documentation that has a direct or indirect bearing on the case at hand. The MIO may dismiss my/our complaint if I/we do not provide information and documentation when requested, or reply to correspondence from the MIO within a reasonable time, or if I/we am/are abusive or insulting when communicating with the MIO. The MIO has the sole right to decide whether I/we have been vexatious, abusive or insulting.
6. I/we agree to provide the MIO or his representative access to personnel, vehicles, components or equipment directly connected to the case at hand, at any time during normal working hours, if requested.

**Failure to complete this section fully, may lead to your complaint not being processed**  
**(The witnesses are to witness your initialing of these pages)**

Complainant Initial: CF

Witness 1 Initial: N

Witness 2 Initial: MCK



- 7. A complaint cannot be lodged with the MIO if it can have any effect on a Manufacturer's/Importer's/Dealer's/Service Provider's insurance policy that protects them against claims for death or injury to third party persons or loss or damage to third party property caused by a defective product manufactured, sold or supplied by any Manufacturer/Importer/Dealer/Service Provider. In other words, if there is any chance that a case can involve damage or injury to any third party, the claim may not be subjected to adjudication.
- 8. I/we understand that the process of investigating my/our complaint will take time. The office of the MIO will inform me/us of the progress of my complaint. If I/we wish to find out how my/our complaint is progressing, or if I/we want to communicate with the office of the MIO for any reason, I will do so in writing.
- 9. I understand that the Ombudsman's decision is final subject to section 4 above.

**10. Confidentiality Agreement**

My/our complaint and the documents that I/we submit to the MIO will be treated as confidential. The letters and documents sent to the MIO by the Manufacturer/Importer/Dealer/Service Provider will also be treated as confidential. The MIO has the right to decide which of the documents received by the MIO are disclosed to the Manufacturer/Importer/Dealer/Service Provider and to me. If I/we submit a document that I/we do not want the Manufacturer/Importer/Dealer/Service Provider to see, I/we will mark it "Confidential".

Should my/our complaint be the subject of a court case or any other dispute resolving process, neither my representative nor I will subpoena the documents in my/our file, or the MIO or any member of his staff. Neither my representative nor I will order that any of these documents be disclosed in terms of any court rule. I/we understand and comprehend the above and confirm that it is fair and reasonable in the circumstances to protect both myself/ourselves and the other party's rights to prevent prejudice in respect of our rights.

I/we authorise the Manufacturer/Importer/Dealer/Service Provider to disclose any information they may have that the MIO may require in the investigation of my/our complaint.

**Failure to complete this section fully, may lead to your complaint not being processed**

By my signature below, I/we agree that my complaint shall be dealt with by the MIO on the above terms and conditions and according to the rules of the MIO. The information provided by me/us herein is, to the best of my knowledge, true and correct. I/we understand that the submission of a false claim may constitute the crime of fraud.

Signed at NAIROBI on the 1 Day of MAY (month) 201 4 (year)

**Complainant or person authorised to act on the Complainant's behalf**

Witness 1 :

Witness 2 :

**(The witnesses are to witness your initialing of these pages)**

Issued by the office of the Motor Industry Ombudsman of South Africa

