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| **Sample letter – Defective good & services** |

*Your address*

*Address of trader*

*Date*

Dear Sir / Madam

**Re: [goods or service] purchased on [date]**

**[*Insert your reference number here*]**

I advise that the [*goods or services*] which I bought on [*date*] do not meet the following consumer guarantee(s) under the Australian Consumer Law and I therefore request that you [*replace / repair/ provide me with a refund for]* the [*goods/services*].

*[\*Delete the following if not applicable to your situation]*

**Guarantee as to fitness for purpose**

The [*goods/ services*] do not fulfil the purpose which I made known to the salesperson or which would have been known to the salesperson:

* explain why the goods or services do not fulfil the purpose you require, such as you explained to the salesperson you required a TV with a screen size of 13 inches to fit in your living room and the TV you purchased is in fact 15 inches;

**OR:**

**Guarantee as to acceptable quality [*only applies to goods*]**

The goods are not of acceptable quality, because: [*delete as necessary*]

* the goods are not fit for all the purposes for which goods of that kind are commonly supplied / not acceptable in appearance and finish/ not free from defects / not safe / not durable/ OR
* a reasonable consumer fully acquainted with the state and condition of the goods (including any hidden defects of the goods) would not regard the goods as acceptable given
	+ [*delete as necessary*]the nature of the goods, the price of the goods, the statements made about the goods on the packaging and label, the representations made about the goods by the salesperson. [*Explain why a reasonable consumer would not find it acceptable, such as 'Given the price of the shoes at $XX, a reasonable consumer would not expect them to wear away in a month*]

**OR:**

**Guarantee relating to supply of goods by description [*only applies to goods*]**

The goods do not match their description on the website / catalogue / order form because... [*insert explanation*].

**OR:**

**Guarantee as to due care and skill [*only applies to services*]**

The service was not rendered with due care and skill because ... [*insert explanation, such as. the trader when painting our house left paint splashed all over the floor*].

**OR:**

**Guarantee as to reasonable time for supply [*only applies to services*]**

The services were not supplied in a reasonable time [*insert explanation such as, 'on or about [date]I requested that my solar hot water system be installed.. It is now six months later and the trader has failed to install the hot water system.'*

**Misleading conduct** *[delete if not applicable]*

Your representative [*insert name*] misled me about the [*goods/services*], making the following representations:

* [*list false representations, such as 'the pills would make me lose weight within one week, which has not occurred'*]

If you do not provide me with a [*refund / repair / replacement*] within 14 days from the date of this letter, I will issue proceedings at the Victorian Civil and Administrative Tribunal without further notice.

Yours sincerely,

[*Your name*]