

Open Forum 1

Web Site Transcript

Chapter 12

A = Attorney

B = Mr. Brenton

A: Good afternoon, Mr. Brenton. Welcome to our offices. I'm glad you could come in and talk in person.

B: How are you? Yeah, I took the morning off to come in and speak with you.

A: Good. So I read the email you sent me, but maybe we should just review the situation. Why don't you tell me what's going on.

B: Sure. Here's the situation. Around ten months ago, we—my wife and I—we hired a company... a small construction company to remodel our bathroom. You know, they put in a new floor, new walls, a new shower. Basically, they made our old bathroom look brand new.

A: OK.

B: So, we were happy with the work, at first. But once our family started using the shower, we noticed that it was leaking water. Water was coming out onto the floor.

A: So did you call the company back in to repair it?

B: Sure. Of course. They came back in and fixed it... or so we thought. They did some work on it, but it still continued to leak. So...

A: One second. What's the name of this construction company?

B: Advanced Builders. Advanced Builders, Incorporated. The owner is a man by the name of Steven Collins.

A: OK. Sorry to interrupt you. Go on. So what did you do at that point?

B: Well, we called these guys back in. In fact, we went through this three times. They'd come back in, work on the bathroom, and we thought it was fine. But then a couple of days later the problem would start again. Water all over the bathroom floor.

A: Hm.

B: Finally, the last time they came, they really seemed to have fixed it. I mean, it seemed like the problem was gone. And we were thrilled.

A: But let me guess: you weren't thrilled for very long.

B: Exactly. Here we are several months later, and it turns out that water is leaking through the bathroom floor and into our kitchen directly downstairs.

A: Not good.

B: Yeah, it looks like we have serious water damage now in our bathroom floor and in our kitchen ceiling. I mean, part of the ceiling looks like it's going to drop any second.

A: OK. Let me ask you a few questions. Did you or your wife sign a contract with this company... before they started working? I mean, did you sign a written agreement with them?

B: Yes, we did. I have it here, with me.

A: Good, and did you pay them already, in full for the remodeling work.

B: Yeah. We paid them as soon as it looked like the work was done, before we found out about the leak.

A: OK. And did they give you a receipt for the payment.

B: Yes, they did. I have that here too.

A: Alright, now I'm assuming that you don't want this same company to come back in and try to fix the problem again.

B: No way. I mean, we've given them plenty of chances to fix it already, and they couldn't do it. We'd like to get someone else in to fix it. But I don't think I should have to pay for that. I mean, we paid this company to do the work to begin with.

A: Right. Here's the process we need to follow. First of all, Advanced Builders is responsible for the problem. They're liable. And you're right—you shouldn't have to pay for the repairs.

The first thing you need to do is call another construction company. Call someone else and ask him to inspect the damage in your bathroom and have him give you an estimate for the work—a written statement of how much the job will cost. How much he would charge you to make the repairs. And please fax that estimate to me.

Once I receive it, I'll write a letter to Mr. Collins, the owner of Advanced Builders, explaining that you plan to have your bathroom repaired, it will cost this much, and you expect him—Mr. Collins—to pay for it. OK? So just make sure you leave his address with me. I'll send you a copy of the letter as well.

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Now, if Mr. Collins agrees to pay for the repairs, then it's all very simple. We'll receive a check from him, and you can hire someone to do the work.

But if Collins refuses to pay the estimated amount for the repairs, then you'll have to go to court.

B: Oh great. The last thing I want to do is go to court. I just want the problem fixed.

A: I understand that. And I'm hoping to avoid court altogether. But it all depends on their response. For now, get me the information I need, and I'll write the letter.

B: Alright. I'll do that. Thanks very much.

A: No problem, Mr. Brenton. We'll get this all worked out.