Malay Mail : 22 November 2006&#65533; HE thought he was going to put on some muscles after signing up for a fitnessprogramme at California Fitness in Mid Valley Mega Mall But ANDREW, a 33-year-old sales director, claims all he got was frustration and stress. He says his request to get his membership terminated was not entertained despite being told it was possible.

ANDREW signed up for a two-year RM2,000 membership and training programme worth RM3,000 in December 2005 after a free-trial period.

&#65533;Before paying the initial RM3,000, the gym&#65533;s staff told me that I had a right to terminate the membership and get a full refund.

The reason I asked was because the nature of my job requires me to relocate, he says.

ANDREW was also told that a goodie bag, consisting of California Fitness premiums, will be given.

However, until today, he has not received the goodie bag.

ANDREW also claims that he has not been using the facilities at the gym and therefore wants to terminate the membership, and is seeking a refund.

However, he says the California Fitness staff who signed him up said it is impossible until he forks out the remaining RM2,000 in membership fees.

&#65533;I asked if I could swap to another programme so I didn&#65533;t have to fork out the extra cash. The staff said it was not possible. I then decided to terminate the membership.

But they said &#65533;no way&#65533;,says ANDREW.

ANDREW says he spoke to the management sometime in April or May, but until today, he has yet to hear from them.

GO Communications account manager Peter de Kretser, when contacted says that his client, California Fitness has declined to comment on the matter.

However, the case received attention from the National Consumer Complaints Centre.

Its director Darshan Singh says ANDREW has the right to terminate the membership as it is a future services contract.

He adds that ANDREW is protected under Section 17 of the Consumers Protection Act 1999.

&#65533;ANDREW has the right to call for a termination.

However, he is subject to a loss of of five per cent of the amount he paid,he says.

Darshan says that ANDREW can file a case against California Fitness at the Consumer Claims Tribunal if the fitness club does not agree to the terms.

&#65533;ANDREW stands a high chance of recovering the money,he says.
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