2009/12/20 By, Sonia Ramachandran @ New Straits Times

IT seemed like a chance not to be missed -- vouchers for a two-week free trial at a fitness centre.Ahmad (not his real name) and his friend saw the vouchers in a pamphlet last year and went on to sign up for a year, each paying a monthly fee of RM215.They attended one free session at the centre in Petaling Jaya but after that, they were offered jobs in Penang and had to move there.They tried to terminate their membership. When the fitness centre refused to entertain them, they cancelled their auto debit payments.Now, they have suits pending in court."I think it is unfair to do this to people, so I lodged a complaint with the National Consumer Complaints Centre (NCCC)," said Ahmad. He is not the only one in this situation. From January to October, NCCC has received 904 complaints against fitness centres.Of this number, 675 complaints involved members not being able to terminate their membership agreements, while 213 are facing legal action.Last year, NCCC received 971 complaints against fitness centres. In 2007, there were 771 complaints and in 2006, 547.

At the Consumer Claims Tribunal, the number of cases filed under this category is also increasing.Fitness centres come under personal care services.In 2007, 162 cases were heard. From January to November this year, there were 217 cases.NCCC senior legal manager P. Vahsudevan said members who wanted to terminate their agreements were not allowed to do so by the fitness centres."When complaints are lodged, we forward the complaints to the fitness centres. The centres retaliate by filing cases in court against the members.

"So, the complainant is barred from bringing the matter to the Consumer Claims Tribunal because of section 104 of the Consumer Protection Act 1999."Instead, he has to fork out money for legal representation. This has resulted in other members being afraid to lodge complaints. They just continue paying their membership fees."

He said those not allowed to terminate their memberships included those who had been transferred to a different state for work, who were unable to attend workout sessions regularly, who had lost their jobs and who were involved in road accidents.The membership contracts are between RM3,000 and RM5,000 a year, for one to two years.Vahsudevan advised consumers to immediately file a case at the Consumer Claims Tribunal when they wanted to terminate their memberships.

"Do this even before coming to us because Section 104 of CPA only allows you to file a case in one place. Otherwise, the centre will file a suit against you and the tribunal won't be an option any more."Tribunal chairman Rungit Singh said almost all the cases filed at the tribunal were about termination of membership contracts.

When asked what the tribunal would do when faced with a situation where a member wanted to terminate a membership before the contractual membership period was over, he said: "The tribunal will hear both parties out and examine the reasons for the termination."For valid reasons, such contracts can be terminated and the tribunal will try and put both parties in a fair position."