



MALTA

Claim Number CCT 156/14/GB

Nicola Schulz

vs

Sophia Georgantas trading as G Salon

Today 5th November 2014

The Tribunal

After taking into consideration the claim in the above-cited names presented on the 1st July 2014, whereby the applicant asked for a refund in the amount of one hundred Euro (€100.00), of which the amount of seventy three Euro (€73.00) is being claimed as actual damages and the amount of twenty three Euro (€23.00) is being claimed as moral damages, due to the fact that the applicant had paid the respondent for her services as a hairdresser, only to be left with damaged hair as a result.

The respondent presented a reply in writing to the claim at hand, and attended the sitting.

That after having heard the testimony on oath of the applicant, who testified in person, and after having heard the testimony on oath of the respondent, and after having taken into consideration all the facts and circumstances pertaining to the case;

Considered the following:

The applicant submitted in writing that:-

On the 21st January 2014, she had attended the respondent's salon to have her roots highlighted, whereby she had explained to respondent that she only wanted the bleach mixture to be applied to the roots and not to the previously bleached hair. As the respondent applied the mixture, applicant noticed that she was applying it to the entire length of her hair and when she asked her to stop, respondent assured her that she was only applying it to the dark, unbleached hair underneath. She further explained that applicant would know if her hair was damaged, since it would be the consistency of 'bubblegum'.

When respondent rinsed the bleach mixture off her hair, applicant felt her hair and knew instantly that it was extremely badly damaged, in fact burned beyond belief, as it was literally coming out in her hands and was the consistency of 'bubblegum'. Respondent just laughed and said that it was normal, which applicant knew was not the case.

Respondent then applied the toner and failed to rinse it off, instead, she just applied copious amounts of serum and blow-dried it. As respondent was drying her hair, huge amounts of dead, frizzled blonde hair were breaking off.

Applicant was devastated and asked for the best 'Goldwell' masque to buy, because she knew that her hair was in serious trouble. The applicant did not once recognise the fact that she had ruined her hair, or did she apologise. Applicant paid and left.

When applicant phoned respondent after the first washing, after which she lost six hairbrushes full of dead, frizzy, blonde hair, to complain and ask for a refund and/or treatments, respondent resolutely refused to accept responsibility.

Applicant contacted Charles Agius, Director of 'Goldwell' Malta, to inform him of her complaint. She also contacted 'Goldwell' head Office in London, who took up her case. Applicant's hair was analysed by the top 'Goldwell' educator in Malta, who confirmed that her hair had been extremely badly damaged and that much of her hair had broken off (about 30%). He also commented that the colour had been very badly applied too.

Therefore, applicant is requesting respondent to remedy the situation within a reasonable time frame.

The applicant exhibited accompanying documentation.

The respondent submitted in writing that:-

1. That on the 21st January 2014, applicant went to her salon to have her roots dyed, specifically the crown part.
2. That applicant, after the colour was applied, was very satisfied with the service. She, in fact, chose the hair mask herself from respondent's selection. Before leaving, applicant told her that she would be back in around three days time to have her hair trimmed.
3. That approximately one month after her appointment, applicant called respondent and wanted to be refunded the seventy three Euro (€73.00) she had paid, which sum represents the service given to her and the product she had bought. Respondent advised her to go back to the salon to see what was wrong with the colour and her hair.
4. That during the same time, Charles Agius, the Director of 'Goldwell' Malta, called respondent and told her that applicant was complaining about 'Goldwell' products, which are the products used by respondent at her salon.

5. That subsequently, when it appeared that 'Goldwell' products were good, applicant changed her story and blamed respondent for damaging her hair.
6. That applicant kept calling her to get the refund and respondent was always very clear that she wanted to see her hair and what the damage she was claiming was.
7. That notwithstanding this, applicant never went to salon so respondent did not have the opportunity to see the damage claimed.
8. That apart from this, the hair dye service amounted to fifty Euro (€50.00) and the remaining twenty three Euro (€23.00) were the cost of 'Goldwell' products that applicant bought from the salon and never claimed that they had any defect.
9. That finally, applicant should not be awarded any settlement as her claims are unjust and the service provided was satisfactory.

The Tribunal notes that:-

After hearing the parties, the Tribunal takes into consideration that in her testimony under oath, the applicant confirmed her written claim.

The applicant exhibited *animo ritirandi* a clump of hair, which she claimed fell out after brushing her hair.

The Tribunal also takes into consideration, that the respondent confirmed her written reply whilst testifying under oath.

For the above reasons:

The Tribunal, after taking into consideration all of the above, concludes that notwithstanding applicant's claims, absolutely no evidence was brought forward to substantiate the like. In both her written claim, and her testimony *viva voce*, applicant made reference to a certain Mr Charles Agius, however, applicant made no attempt to summon him to testify under oath. It is clear, that the only evidence presented by the applicant was a clump of hair, which allegedly fell out after applicant brushed her hair. With all due respect, such evidence is of no value in the eyes of this Tribunal, and is therefore by no means acceptable, due to the fact that a clump of hair alone, does not constitute sufficient evidence in the eyes of this Tribunal. The Tribunal concludes that the respondent in no way lacked the applicant in the provision of her services, rather it was the applicant who was simply making allegations in respondent's regard whilst refusing to allow respondent to see her allegedly damaged hair, thus depriving respondent of

the right to defend her position. The Tribunal is thus rejecting the applicant's claim, due to lack of evidence, with the expenses of the case to be borne by said applicant.

A handwritten signature in black ink, appearing to be 'G. Buttigieg', written in a cursive style.

Avv. Gabrielle Buttigieg
Arbiter