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After Travel Customer Support
Thomson
Wigmore House
Wigmore Lane
Luton
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16th August 2012

ATTN: Thomson Customer Support
RE: Query into accommodation switch charges
Booking ref. 2060/787170/4169936

Dear Sir/Madam,

We'd be very grateful if you could look into and explain a matter that arose whilst on our honeymoon on a Thomson holiday in Mexico. When we arrived at our destination at the Riu Playacar we found that our choice of accommodation didn't match up to our expectations and we asked to be moved to an alternative, the Riu Palace next door. Our rep kindly arranged this for us, but alongside paying for the upgrade we were also hit with a £400 'cancellation charge'. We accepted this at the time as we felt that we had no alternative in order to turn our honeymoon around into the once in a lifetime experience we envisaged. On our return we have tried to unravel how this fee arose as after all we had not cancelled our holiday. We have took consumer service advice, and we would like to get confirmation that this is standard and fair practice by Thomson UK.

We had originally booked at the Riu Playacar based upon the recommendation by our parents and reviews online that supported that recommendation. On arrival we were disappointed. We felt that the hotel would have been very good for family holidays, and at any other time we'd have been very happy there. Our parents had stayed there in January and we began to realise

that the clientele at that time may have been different. As we were on our honeymoon, and after a lot of hard work with the wedding, we felt very let down with what we were presented with, when we were expecting a luxurious holiday at the end of a busy time that just wasn't there.

We found that the rooms were quite basic, all with 2 separate beds and quilts pushed together, limited themed restaurants, low quality buffet food, entertainment on loud and late into the night. We felt like we were staying on a Butlins camp instead of a luxury holiday in the Caribbean. Perhaps it was our mistake to have chosen the Riu Playacar at that time of the year? if we had visited a Thomson branch in person we may have been advised on different accommodation. However after a couple of nights we felt that although we had already invested a considerable amount of money into this honeymoon, we would feel very let down if we stayed at the Playacar for the full two weeks. We wanted to have a honeymoon to remember for the right reasons, so we went to see the rep.

Gary the rep had been very helpful at the Welcome meeting, we were honest with him and explained our feelings and he understood our concerns. Gary tried to speak to the management at the Riu to see if he could offer us a free upgrade to the Riu Palace. This was not possible so our only option to move was to pay an upgrade of £1300, which we decided was necessary. However he also informed us that we would have to pay for something called an 'accommodation switch' of £400. He explained this as a fee because the Riu Playacar was a contractual hotel and to move to any other Riu this fee applied.

This amount was a lot more than we had budgeted for and pushed the cost of the holiday considerably higher. However after looking around the Riu Palace, we decided there was no choice, as this was the type of hotel we had expected in the first place. We duly paid the £1700 and moved hotels for which we are still thankful.

Looking into this on our return, we are not sure how fairly this charge has been applied. Looking at the Thomson help pages online we can see lots of information about outright cancellation fees prior to travelling, but nothing regarding moves whilst on holiday. And we did not cancel the holiday; we paid to upgrade to a different Riu hotel. We found information online regarding the Office of Fair Trading's view of the application of the Unfair Terms in Consumer Contracts Regulations (1999) upon cancellation charges applied by holiday companies. And I believe that by the OFT recommendations the £400 accommodation switch/cancellation charge would be unfair on two grounds:

- OFT says that charges must be based on "a real and fair estimate of potential losses". Our moving to a more expensive hotel with Thomson/Riu chain of hotels is in effect 'up-selling' as Thomson/Riu chain are both earning more money than they would have done had we stayed in our original room and for the more expensive room to have stayed vacant.

- OFT also says that a charge/penalty is also likely to be unfair in cases where the supplier could reasonably reduce ('mitigate') the loss. Presumably the original room at the Riu Playacar would have been refilled within a day or two, but regardless this is mitigated by the room being taken in the more expensive hotel that would not otherwise have been filled at a higher rate.

I consider our contract to be with Thomson Holidays, but even if the fee could be said to have been originating from Riu the supplier, as both hotels are run by the Riu chain I can't see that even Riu can be shown to have had any loss of earnings through our upgrade. As our contract is with Thomson I'd hope that they would be working with the OFT. As we were working with your rep in Mexico it was difficult to get a handle of who he was consulting with, so it would be great to get a UK perspective on this please.

We really tried to engage with our Thomson holiday from the offset by upgraded to Premium seats, ordered in advance champagne and chocolates, and we paid for and enjoyed three of the Thomson day excursions - we'd budgeted and paid £3000 for these to Thomson. However the lack of clarity around this additional £400 and the lack of options available to us other than paying another £1300 to salvage the honeymoon, have marred our memories and we do feel disappointed.

We would therefore ask you to consider the circumstances in which we had to pay this fee and to look into the possibility of recuperating this charge from elsewhere within the organisation as a gesture of goodwill. Our parents were very upset that on their recommendation we had chosen Thomson to organise our honeymoon, that in order to enjoy it we had had to pay extra fees to resolve the situation. In total, including the extra charge, we have paid £4742 and this amount does not match the experience.

I enclose a copy of the paperwork given to us by the rep at Riu Playacar. There are two credit card swipe slips as this had to be done twice because there was a problem with the first, so the Thomson rep at the Riu Palace Mexico asked us to complete another one. To be clear the 'In Resort Hotel Change Form' was filled out in US dollars as I believe that the rep was dealing with contacts in Mexico or the US, but it was put through as Mexican Pesos on my card.

Yours faithfully

Will and Adrienne Moindrot