

The complaint

Mr M is unhappy as he feels Lowell Portfolio I Ltd ("Lowell") has harassed him when contacting him about an outstanding debt.

What happened

Lowell purchased a debt from another business in 2016 which it understood Mr M was responsible for repaying. In November 2016 Lowell sent a letter, to the last known address held by the other business for Mr M, confirming it had purchased the account. The letter said that it was now entitled to receive repayment in respect of the account and invited Mr M to contact Lowell to arrange this.

Lowell has said it sent twelve further letters to the address it held, between November 2016 and March 2018, but received no response from Mr M.

As it hadn't heard from Mr M, Lowell carried out searches in March 2018 to see if the contact details it held were correct. It did this by obtaining information from credit reference agencies. A different address was identified for Mr M.

Lowell has said that between March and September 2018 a further nine letters were sent to the newly identified address, asking Mr M to contact it to arrange repayment of this and other debts Lowell held in his name. The later of these letters, including one sent in July 2018, explained that if it didn't hear from Mr M, Lowell would consider appointing solicitors to take legal action.

As no response was received Lowell instructed solicitors to act on its behalf. They too wrote to the address that was identified by the trace Lowell carried out. Notes provided by Lowell indicate that Mr M initially responded to the correspondence from the solicitors, questioning the validity of the debt. After obtaining additional information the solicitors responded saying they were satisfied the debt did belong to Mr M, but invited him to submit further information if he still disagreed. Correspondence from the solicitors continued, including notification of the intention to take court action.

A county court judgement was obtained in relation to the debt in December 2019, in favour of Lowell.

Mr M complained to Lowell in 2020. He disputed responsibility for the debt, said that he felt the court judgement had been obtained unfairly and said that he felt Lowell had harassed him.

Lowell said it didn't think it had done anything wrong and believed that the debt was owed by Mr M. It confirmed however that it had taken a business decision not to pursue the balance further.

Mr M then asked our service to consider his complaint.

We explained, and I issued a decision confirming, that our service was limited in what aspects of Mr M's complaint it was able to consider. Specifically, we could only consider his

argument that Lowell had harassed him through excessive communication before the court judgement was granted. This was because the other issues raised either fell outside of our jurisdiction or were ones we didn't think it was appropriate to consider.

One of our investigators considered whether Lowell had harassed Mr M. But he didn't feel it had done anything wrong. He said it had purchased the debt in good faith and was entitled to pursue repayment.

Mr M did not agree with the investigator's opinion. As a result, the complaint has been passed to me to decide.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Lowell purchased the debt from a separate business in 2016. The information provided to Lowell indicated that the balance was owed by Mr M. I don't therefore think that Lowell has done anything wrong by pursuing repayment of the outstanding balance or by contacting Mr M about this.

Between November 2016 and March 2018, Lowell indicates it sent approximately thirteen letters requesting repayment of the balance. I don't think that is an unreasonable amount of correspondence in the time frame or circumstances.

Mr M has said that the address that was being used by Lowell when sending those letters is not one he recognises – suggesting he didn't in fact receive those letters. This is unfortunate and would explain why he didn't respond. But I don't think that means that Lowell did anything wrong in sending the letters in the first place or that it acted incorrectly. It used the address information provided by the business that it purchased the debt from, which I think was a reasonable approach.

As it hadn't heard from Mr M, which again may well be explained by him not recognising the address used, Lowell carried out a trace, to try and find alternative contact information for Mr M. This is common practice where there is a balance owed and where a business can't locate a consumer using the details they have available to them. I think Lowell acted reasonably when doing this – as again the information it had, provided by the business it purchased the debt from, indicated Mr M was responsible for the debt and he had not by that point responded to its requests for repayment.

Lowell then began writing to the address it received details of as part of the trace – which appears to be Mr M's correct address. So given Lowell was trying to get in contact with Mr M it appears to have acted correctly in doing so.

Lowell says that it sent nine letters to Mr M's address between May and September 2018. This is an increase in frequency when compared to the correspondence sent prior to May 2018. But again, I don't think this was unreasonable. Lowell was pursuing a debt now owed to it, which it had been unsuccessful in recovering for some time. So, I don't think it was unfair for it to have increased its efforts. Lowell also took the decision during that period to appoint solicitors to assist in recovering the debt – which would've necessitated additional correspondence. So, I don't think Lowell acted unfairly in sending these letters to Mr M.

I've seen evidence that the solicitors acting for Lowell sent further correspondence to Mr M. Indeed, Mr M has provided copies of a number of these letters, indicating they were received. I can see that the frequency of these letters increased towards the end of 2019.

But as that related to court action being undertaken, I don't think this was unreasonable – as the solicitors were required to inform Mr M of the action being taken. I've also seen evidence of several phone calls between Mr M and the solicitors. But from what I've seen these were initiated by Mr M, in response to the letters he had received.

Taking everything into account, while I appreciate Mr M is unhappy with Lowell having contacted him at all, I think it had good reason for doing so. I don't think its attempts to communicate with him were unfair or excessive in the circumstances. And so, I don't think I can reasonably say it has harassed him when pursuing this balance.

My final decision

For the reasons given above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 7 April 2021.

Ben Stoker
Ombudsman