

## **The complaint**

Mrs W complains that London and Country Mortgages Ltd caused delays with her re-mortgage. She asks that it compensates her for additional interest costs.

## **What happened**

Mrs W asked L&C for mortgage advice. She wanted to re-mortgage when the fixed interest product on her existing mortgage expired. She says she had to chase L&C, despite which completion was delayed. Mrs W says L&C didn't tell her solicitors the date she wanted to complete. As a result, she paid interest at her previous lender's standard variable rate (SVR). She'd like L&C to compensate her for this.

Our investigator said while the re-mortgage had taken longer than Mrs W had hoped, L&C wasn't responsible for the delays. L&C didn't have any control over the lenders nominated solicitors, which Mrs W had chosen to use.

Mrs W didn't agree. She said L&C should have told the solicitors about her deadline to complete, which was the express purpose of her engaging L&C.

## **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.

I've relied on evidence from both parties, including L&C's contact notes, to summarise below what happened with Mrs W's re-mortgage.

In April 2019 Mrs W contacted L&C as she wanted to re-mortgage. L&C recommended a mortgage. It asked Mrs W for information and whether she accepted the recommendation. L&C received a response in mid-June 2019.

L&C made a new mortgage recommendation with a different lender. It made an application in mid-July 2019, after it received Mrs W's income evidence. The lender's valuation was lower than expected. Mrs W asked L&C to query the valuation. L&C chased the lender for a response, but it didn't offer more information about the valuation.

In late August 2019 Mrs W decided to look at other lenders. L&C recommended a mortgage with another lender and submitted an application on behalf of Mrs W the next day. The lender issued a mortgage offer on 25 September 2019.

The mortgage completed on 15 October 2019. This was after Mrs W's existing product had expired and her lender applied its SVR.

### ***Was L&C responsible for any delays?***

I don't think L&C was responsible for any delays here. I think it acted promptly to request the information it needed, send reminders and get in contact with Mrs W.

L&C says once the mortgage offer was issued responsibility for completing the mortgage was with the lender's nominated solicitors, which Mrs W had agreed to use. The mortgage offer says the lender would pay the conveyancing fee, and the conveyancer would act only for the lender.

L&C's recommendation letter said it had no control over the solicitors, the contract was between Mrs W and the solicitors and she should direct queries about the service to the lender. I think Mrs W was made aware that L&C wasn't responsible for the solicitors. Nonetheless, L&C chased the solicitors on behalf of Mrs W, and raised a complaint with them on her behalf. If the solicitors didn't have the information they needed to complete the mortgage within Mrs W's timescales, I don't think this was due to an error by L&C.

Mrs W raised a complaint with the solicitors, and says they responded to say they were acting for the lender and didn't have a duty of care to her. Mrs W says no-one is taking responsibility for the delays, and I can understand her frustration. I should make it clear that I'm not making any findings about whether the solicitors caused delays or made errors – that's not something I can look into.

I'm sorry that Mrs W's mortgage didn't complete in time for her to avoid the additional costs of being on her lender's SVR. I don't think L&C made errors or caused delays. And I don't think L&C was responsible for the solicitors, who were acting for the lender. It follows that I don't think it's fair and reasonable to require L&C to pay compensation to Mrs W.

### **My final decision**

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W to accept or reject my decision before 5 March 2021.

Ruth Stevenson  
**Ombudsman**