

## **The complaint**

Mr B complains that Hoist Finance UK Limited is asking him to repay a debt which he doesn't owe, and which Hoist cannot give him any evidence about.

Mr B wants Hoist to stop asking him to repay the alleged debt.

## **What happened**

In December 2019, Hoist bought a debt from a business I will call "B". Mr B says he doesn't know anything about the debt and has no records of any payments to B over the years.

The investigator didn't uphold Mr B's complaint. The investigator thought it was reasonable of Hoist to ask Mr B to repay the debt. He explained to Mr B that most of his concerns arose before Hoist took over the account. The investigator was satisfied that once Mr B raised concerns about the debt, Hoist took steps to find out more.

Mr B wasn't happy with the investigator's recommendation. He doesn't like being referred to as part of a book of debt that Hoist bought. Mr B has no record of a default notice from B and Hoist hasn't been able to give him a copy. He says he has no record of receiving any annual statements from B.

Mr B is surprised that with B claiming he made his last payment in April 2018, he hadn't been chased for payment until early 2020. He doesn't think Hoist has enough evidence to support its claim for payment. Overall, Mr B has no knowledge of the alleged debt.

## **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.

In cases like this, where the evidence is inconclusive, I reach my decision on the balance of probabilities. That means I'll look at all the available evidence and decide what I think is most likely to have happened.

Although Hoist appointed another business to help recover the debt from Mr B, I will continue to refer to Hoist in my decision as it owns the debt.

I'm sorry to hear about the upset that Mr B has felt as a result of being asked to repay a debt that he says he doesn't remember or owe. I understand from Mr B that he has complained to B but is waiting to hear more. I appreciate that it will be frustrating for Mr B, but I can only consider his complaint as it relates to Hoist, and not B.

Hoist has given us a copy of the credit card application that it says Mr B signed in September 1999. Hoist has provided copies of the notice of assignment that it and B sent to Mr B. Hoist has also given us a spreadsheet detailing the debt amount and default date, together with some of the monthly payments that B says Mr B made. I'm satisfied that Hoist has taken reasonable steps to check that Mr B owes the debt.

Mr B says the credit card application doesn't indicate what card it is for. I agree that the copy isn't very easy to read but it is possible to make the company name out, together with Mr B's name, address and signature. It might help to remind Mr B that the company named on the application form operated a credit card brand which was later bought by B. So, the original credit card application doesn't mention B.

I appreciate that Hoist says it won't take legal action against Mr B to recover the debt, but I don't think that this necessarily means the debt doesn't exist or that it's unfair to ask Mr B for his repayment proposals. As I don't uphold Mr B's complaint, I don't require Hoist to take any further action to put things right.

Mr B says he's already complained to B and hasn't had a reply yet. If B doesn't reply or when it does, Mr B is unhappy with its response, he can of course come back to this service for further help.

### **My final decision**

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 25 May 2021.

Gemma Bowen  
**Ombudsman**