

## **The complaint**

Mr W complains that Debt Managers (Services) Limited (DMSL) is chasing him for a debt that isn't his.

## **What happened**

In November 2019 DMSL acquired a debt in the same name as Mr W. DMSL was unable to get in contact with the borrower using the details provided by the original lender. As a result, DMSL completed a trace that produced Mr W's details and contacted him. Mr W complained and DMSL said he can provide evidence to verify he was living at his registered debt in April 2018 so it can complete its investigation.

Mr W, in turn, says he's not the borrower and has never held an account with the original lender. Mr W says he doesn't want to share confidential information with DMSL, a business he has no connection to, and has declined to send documents to verify his address in April 2018.

Mr W referred his complaint to this service and it was passed to an investigator. Mr W sent the investigator evidence to show where he was living in April 2018 but said he didn't want to share it with DMSL. Our investigator upheld Mr W's complaint and said that as he had shown us evidence of his address in April 2018 DMSL should stop chasing him for the outstanding balance. DMSL asked to appeal and said it had supplied trace evidence by way of a spreadsheet and needed address verification documents to complete its investigation. DMSL asked to appeal so Mr W's complaint has been passed to me to make a decision.

## **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.

As Mr W has said, his name is not unusual and it's possible this is a case of a false positive following DMSL's trace. I understand DMSL has asked for address verification documents for the April 2018 so it can investigate whether to remove Mr W's details from the debt and stop chasing him. But I have to be fair to both parties. Mr W has told us the debt isn't his, he has never borrowed from the original lender and has no relationship with DMSL. Mr W says he doesn't want to share private information, like a copy of his mortgage statement, with DMSL.

I've looked at the available information and I can see DMSL have sent us a spreadsheet that it says shows Mr W was traced. But DMSL hasn't provided any explanatory guidance or said how Mr W's details were found, beyond confirming a trace was completed. That being said, I can see Mr W's details were found when DMSL carried out its trace.

Our investigator asked DMSL to provide other supporting evidence, including a copy of the original lender's credit agreement. But DMSL has confirmed no credit agreement is available. I haven't seen any record of payments made to the debt or any other supporting information that indicates Mr W was the borrower.

DMSL requested evidence of Mr W's address in April 2018. Whilst he hasn't supplied it to DMSL, he was willing to share it with this service and sent a copy of his 2018 mortgage statement. That confirms Mr W's address in April 2018 was the same as the one DMSL is contacting him at.

Mr W has also supplied correspondence with a credit reference agency that shows it removed disputed entries on his credit file during the period in question. As our investigator has said, it's possible DMSL's trace was caused by one of these disputed entries.

We're an impartial service and don't act for either side. Whilst I understand it is DMSL's normal process to ask for documents to be sent directly, I think the investigator reached a reasonable compromise when he asked Mr W to send us the relevant document. In this case, like the investigator, I've seen the mortgage statement from 2018 Mr W sent us and can confirm it matches the address DMSL has contacted him at.

Whilst I understand DMSL wants to see the mortgage statement (or other evidence) I think it's reasonable for it to accept confirmation from our service that we've seen it. And that it verifies Mr W's address in April 2018 was in line with his current address.

DMSL has been unable to provide a copy of the credit agreement. And there's no record of anything, beyond the trace it completed, that links Mr W to the debt. Mr W has provided evidence to this service, an impartial third party, that confirms his address in 2018. Having considered all the available information, I agree that it would be unfair for DMSL to continue pursuing Mr W for repayment of the debt.

### **My final decision**

My decision is that I uphold this complaint and direct Debt Management (Services) Limited to stop pursuing Mr W for the debt and ensure there's no link to him going forward.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 21 May 2021.

Marco Manente  
**Ombudsman**