

## **The complaint**

Miss G complains that Hoist Finance UK Limited (Hoist) is asking her to repay an old debt that was settled as part of a debt management plan (DMP). She's unhappy that Hoist can't give her evidence of the outstanding balance.

Miss G wants Hoist to stop asking her to repay the debt.

## **What happened**

In 2000, Miss G opened credit card account with a business I will refer to as "H". The account was closed in September 2009 and H received payments as part of Miss G's DMP.

H says that it stopped receiving payments in October 2018, so it sold the debt to Hoist towards the end of 2019.

Hoist sent Miss G a notice of assignment in early January 2020 telling her that the outstanding balance of just over £1,265 would be managed by its appointed agent I will refer to as "R".

Miss G responded to R's Pre-Action Protocol pack in October 2020 by saying that the debt formed part of her DMP and that she'd not been told about the transfer of the debt from H to Hoist. After this time, Miss G's account was placed on hold.

Hoist didn't think that it had done anything wrong. As Miss G was unhappy with this, she came to this service for assistance.

The investigator didn't recommend that Miss G's complaint be upheld. He was satisfied that Hoist acted appropriately when it raised Miss G's concerns with H. As H confirmed that the debt was still due, the investigator didn't think it unreasonable for Hoist to ask Miss G to repay it. The investigator didn't think Hoist's contact had been excessive.

Miss G wasn't happy with the investigator's recommendation. She said the debt to H had been included in the DMP and that no other creditors had asked her for money since the DMP had ended. Miss G says she received aggressive letters from a company she'd never heard of. And that despite her attempts to understand how Hoist had arrived at the debt figure, it hadn't been able to give an answer.

The investigator responded and forwarded a set of statements and repayment history to Miss G. The investigator said he'd not seen any information to show that Miss G had settled the debt. Miss G replied saying she was taking further advice, but we've not heard anything further from her.

## **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'm aware that I've summarised Miss G's complaint. But this reflects the informal nature of

our service.

I appreciate that Miss G thinks that the outstanding debt to H was settled as part of her DMP, but my role is to decide whether Hoist has made a mistake or treated her unfairly. I can't consider the actions of H, R or the business managing the DMP as part of this complaint.

Hoist bought the outstanding debt from H in 2019 on the understanding that there was an outstanding balance of around £1,260 to pay.

H told Miss G that it had received payments against the account until October 2018 at which time it sold the debt to Hoist. The statements that H produced for the period between September 2009 and October 2014 indicate that Miss G's outstanding balance had reduced to £4,051.57. And a spreadsheet provided by Hoist shows that between February 2014 and October 2018, further payments totalling £2,738,45 were received - reducing the balance to just over £1,313. When H sold the debt to Hoist it said that Miss G owed just over £1,265. So, I can't fairly say that Hoist has reason to believe that Miss G didn't owe the debt. Or that Hoist should be prevented from asking Miss G to repay the debt. I can also see that Hoist sent Miss G a notice of assignment which should've made her aware that it had bought the debt from H.

After Miss G questioned the outstanding balance, I'm satisfied that Hoist took the steps I would've expected it to when it referred her complaint to H for further information. Although it might've been helpful to Miss G if Hoist had supplied her copy statements sooner than it did, H says that it had continued to send her statements and arrears letters. It also meant that Hoist suspended any recovery action against Miss G, so I can't find that she was disadvantaged by the delay.

Although I appreciate it was upsetting to be asked to repay the debt, I don't consider Hoist's contact has been excessive or harassing in nature. And as I've said above, I can only consider the contact that Hoist had with Miss G and not R – the agent appointed by Hoist to act on its behalf.

In her letter to Hoist from January 2021, Miss G said she wouldn't make any payment until there was clear evidence that there is a debt owed. Hoist has now supplied statements and H has sent Miss G a copy of her credit application. So, I hope that Miss G has what she needs to try and find out more from the business which I understand bought out the original company managing her DMP.

Hoist has just confirmed that it will agree a further 60 days breathing space to allow Miss G to make further enquiries about her DMP. I consider this to be fair and reasonable. But I do expect Hoist to let Miss G know when the 60-day period is due to end.

Overall, I don't find that Hoist has acted unreasonably so I don't uphold this complaint.

### **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 Miss G to accept or reject my decision before 15 March 2022.

Gemma Bowen  
**Ombudsman**