

The complaint

Mrs K complains that she's being pursued for an outstanding amount by J D Williams and Company Limited for items she never received.

What happened

In 2019 Mrs K ordered an item on her JDW account. Mrs K was moving at the end of the summer and the item still hadn't been delivered. She says she contacted JDW and advised them she was moving, and no longer wanted the item. Despite this, JDW despatched the item and it was delivered to one of Mrs K's neighbours. Mrs K doesn't know which neighbour took delivery and JDW hasn't been able to obtain this information from the courier.

Following this JDW issued an overdue account statement and ultimately defaulted the account and passed it to a debt collector. It said it had no record of Mrs K cancelling the order or moving to a different address.

Mrs K complained. She says she's never received the item and wants the balance written off and the default notice removed.

I issued a provisional decision on this complaint. I explained that whilst I was satisfied that Mrs K had made efforts to notify JDW that she didn't want the item delivered because she was moving, some of her emails were sent to an incorrect email address and didn't reach JDW, so it didn't receive the request to cancel the order before the item was despatched.

I said that under the relevant legislation, JDW was responsible for the goods until they were delivered to either the customer or the customer's nominated representative, and that I wasn't satisfied that the item had been delivered to Mrs K or a nominated person.

I explained that I didn't think JDW had acted fairly in relying on the courier's statement that the goods were delivered to a neighbour without providing more specific information. I also felt that JDW could have done more to investigate matters with the courier, or to provide Mrs K with a missing item claim form. I concluded that it wasn't fair to require Mrs K to pay for the item.

I invited both parties to let me have any further evidence or arguments they wished to advance.

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.

Neither party responded to my provisional decision. In the circumstances, I see no reason to reach a different conclusion to that which I reached previously.

Putting things right

To put things right, J D Williams and Company Limited must write off the balance, pay

compensation and remove the default.

My final decision

My final decision is that I uphold the complaint. J D Williams and Company Limited must write off the balance on Mrs K's account, pay compensation of £50 for trouble and upset and remove the default recorded on Mrs K's credit file.

Under the rules of the Financial Ombudsman Service, I'm required to ask X to accept or reject my decision before 4 April 2022.

Emma Davy
Ombudsman