

The complaint

Mrs B complains that Creation Consumer Finance Ltd won't refund her the credit remaining on her account after she took out a personal loan.

What happened

Mrs B took out a personal loan with Creation. While paying back the loan she unfortunately entered financial difficulty and entered into an individual voluntary arrangement (IVA). Mrs B's IVA was completed.

Following completion of the IVA, Mrs B contacted Creation to see if she was sold any PPI with her loan. She was initially told she was, then she was told this was an error and in truth she wasn't sold PPI with this loan. But she was told her account was in credit. Creation said the credit may be because payments may have been paid into the account by third parties while Mrs B was in her IVA.

Mrs B asked for the £1,630.99 credit to be returned to her. But she's said Creation hasn't responded to her or paid her the credit on the account. She complained to Creation but received no response. So, she brought our complaint to us.

Our investigator looked into this complaint. Despite asking for information, Creation never sent us any. On that basis, our investigator felt the complaint should be upheld and recommended Creation pay Mrs B the credit on the account.

Creation didn't respond to our investigator's assessment, so the case has come to me to issue a final decision on.

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.

There isn't a lot of information to go on here. We've only got Mrs B's evidence. We've asked Creation for their arguments and evidence on this case, but we've not received anything.

Mrs B has provided us an email from Creation which says it's located her account and says it is in credit by £1,630.99. It says this might have been paid by third parties so needs to find out who paid the money into the account before it can give Mrs B that credit. But Mrs B has said since that email she's not heard from Creation despite trying to work with it to get the refund of that credit.

On the evidence available it looks like:

- Mrs B does have an account with Creation
- That account is in credit of £1,630.99

As explained, Creation has been given the opportunity to explain why it doesn't think the credit should be given to Mrs B, but it's not provided any. Without further evidence or explanation, I don't think it's reasonable that Creation keeps the account in credit and doesn't return it to Mrs B.

This was also the view of our investigator and creation has had the opportunity to let us know why it disagrees and provide further evidence to support its position. But it's not sent us anything.

So, based on the information available, I require Creation to pay Mrs B the credit on the account.

My final decision

For the reasons set out above I uphold this complaint and require Creation Consumer Finance Ltd to:

- Pay Mrs B £1,630.99 which represents the credit on the account.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 3 June 2022.

Joe Thornley
Ombudsman