

## **The complaint**

Mrs U and the estate of Mr U complain that Elderbridge Limited lost their title deeds, which caused them distress and inconvenience.

## **What happened**

Mr and Mrs U took out a secured loan, which was later transferred to Elderbridge. Their account was settled in February 2020, but they didn't receive confirmation or their title deeds, so they went on to complain.

In February 2021, Elderbridge responded to Mr and Mrs U's complaint. It explained the title deeds had been misplaced, but its solicitors would begin the process of producing a copy. Elderbridge noted it couldn't confirm timescales, but it would keep Mr and Mrs U updated. Elderbridge also offered them £75 compensation for the poor service they had received since asking for their title deeds to be returned.

In July 2021, Mr and Mrs U referred their complaint to our service having still not received replacement title deeds. Elderbridge set out the process its solicitors needed to follow in order to resolve the issue, estimating a timescale of 6-8 months. Elderbridge offered to increase the compensation to £500.

In November 2021, Elderbridge clarified the title deeds couldn't be reconstituted, but rather, its solicitors were applying to complete first registration with the Land Registry.

Our investigator put Elderbridge's £500 compensation offer to Mr and Mrs U, and explained the process its solicitors needed to follow. In January 2022, Mrs U noted Elderbridge hadn't provided any updates since February 2021 and the property was still no nearer to being registered with the Land Registry in their names. She explained the matter was causing distress, particularly as Mr U was experiencing health issues. She also noted she was having to chase Elderbridge's solicitors for updates.

In March 2022, Mr U sadly passed away.

In May 2022, the application was submitted to the Land Registry. In June 2022, Elderbridge confirmed the Land Registry had now granted title absolute.

Our investigator thought £500 compensation was fair. However, Mrs U disagreed. Mrs U noted the situation had caused significant upset and distress, and Mr U had died without knowing the house was financially secure. Mrs U asked for a final decision from an ombudsman, so the complaint has been passed to me.

## **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.

Our investigator told Mrs U she had only considered up to the date of Elderbridge's updated offer, in July 2021. However, I don't consider it would be helpful to either party to limit my findings to that date. As such, I've considered events between February 2020 (when the account was settled) and June 2022 (when the Land Registry granted title absolute).

Elderbridge explained it couldn't reconstitute the title deeds as the schedule of deeds were also lost. However, Elderbridge noted that 'title absolute' is the strongest form of property ownership title, and now the property is registered there's no need for title deeds. Mrs U hasn't disputed that the issue created by the lost title deeds is now resolved.

Therefore, what I need to decide here, is whether £500 is fair compensation for the distress and inconvenience caused by Elderbridge losing the title deeds. I'm sorry to disappoint Mrs U, but whilst I'm upholding this complaint, *overall*, I consider £500 to be fair.

I don't doubt that this matter has been upsetting, particularly given Mr U's health issues and passing. I'm sorry to hear of Mrs U's recent loss. I've also seen it caused a great deal of inconvenience, in respect of Mr and Mrs U having to chase, complete paperwork and provide information.

However, in July 2021, Elderbridge set out the steps it was taking to put matters right, and whilst the timeframe went beyond the estimated 6-8 months, I haven't seen there was any doubt about the Land Registry application succeeding. I also haven't seen anything that suggests Mr and Mrs U had lost out because they were intending to sell their property during the period in question.

Mrs U has noted their title deeds have been lost forever and she'll never get them back. But even if I were to accept the title deeds had sentimental value, I would still consider £500 compensation to be a fair reflection of the impact on Mr and Mrs U.

### **My final decision**

For the reasons I've set out above, I uphold this complaint.

My final decision is Elderbridge Limited should pay Mrs U and the estate of Mr U £500 compensation, in total (if £75 has already been paid, a further £425 would be due).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs U and the estate of Mr U to accept or reject my decision before 8 September 2022.

Vince Martin  
**Ombudsman**