

The complaint

Mr N complains about the contact from QDR Solicitors Limited regarding debts it's attempting to collect.

What happened

Mr N has explained that two payday loans were fraudulently opened in his name in 2016 and 2017. A business I'll call L went on to purchase the accounts in Mr N's name.

Mr N later raised a complaint with L and explained the debts had come about as a result of fraud. L didn't uphold Mr N's complaint and he referred it to this service. An investigator reviewed the complaint but didn't agree L had acted unreasonably by contacting Mr N to request repayment of the debts. The investigator issued their view of Mr N's complaint in June 2022 said Mr N could contact the original lenders (or administrators acting in their place) to raise concerns about the circumstances under which the loans were approved.

In September 2022 L appointed QDR to contact Mr N about the outstanding balances. QDR sent a number of letters and in November 2022 Mr N raised a complaint. Mr N reiterated his complaints that the loans were fraudulent and that he isn't liable for the outstanding balance. QDR issued a final response in January 2023 and advised it had contacted L which confirmed Mr N had previously raised fraud concerns. L advised QDR that Mr N's complaint hadn't been upheld and that it had referred the matter to one of the original lenders. But the original lender asked Mr N to make contact so further investigation could be carried out. QDR said Mr N remained liable for the outstanding balances.

Mr N referred his complaint about QDR to the service and it was passed to an investigator. They thought QDR had dealt with Mr N's complaint fairly and didn't ask it to take any further action. Mr N asked to appeal and said one of the debts L and QDR was seeking to collect is statute barred. Mr N also said the investigator had failed to acknowledge he was a victim of fraud. Mr N explained that despite L referring his concerns to the original creditors no contact had been received and that both were either in administration or in the process of entering administration. In addition, the investigator arranged for Mr N's concerns about the way his loans were opened to be passed referred to the original creditors investigate.

As Mr N asked to appeal, his 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.

I'm aware I've summarised the events surrounding this complaint in less detail than the parties involved. No discourtesy is intended by my approach which reflects the informal nature of this service. I want to assure all parties I've read and considered everything on file. I'm satisfied I don't need to comment on every point raised to fairly reach my decision. And if I don't comment on something, it's not because I haven't considered it. It's because I've

focused on what I think are the key issues. My approach is in line with the rules we operate under.

I'd like to start by giving some background concerning the way we consider complaints. I understand Mr N complains that both loans were fraudulently opened with two separate lenders. And Mr N has previously referred a complaint about L's actions to us. We look at complaints on an individual basis. We don't consider complaints about more than one business at a time. So whilst I understand Mr N complains the loans came about as a result of fraud, I'm only able to consider the actions of QDR in this decision. I'm not going to make a decision about the original lenders' or L's actions in this decision.

QDR was appointed by L to collect the outstanding balances in September 2022 and went on to send letters to Mr N requesting contact to discuss repayments. I haven't seen anything to suggest QDR was made aware of any disputes Mr N had about the debts before he contacted it in November 2022. And when Mr N did contact QDR and gave the background to his complaints, it contacted L for further instructions. Given L was the owner of the debts, I'm satisfied that was a reasonable step for QDR to take.

Mr N has told us he believes one of the debts is statute barred so QDR's contact went against the relevant legislation and regulations it has to follow. As our investigator has said, only a court can say whether a debt is statute barred or not. We decide complaints on a fair and reasonable basis, taking the relevant rules and regulations into account. I appreciate Mr N wants us to make a decision that confirms whether the debt in question is statute barred or not. But that's not something we're able to do. I've made my decision on the basis of whether it was fair and reasonable for QDR to contact Mr N in the circumstances of his case.

I think it's also fair to add that I wouldn't expect QDR to be the party that decides whether the debt in question is statute barred or not. That's something only the original lenders and debt owner can investigate. But I'm satisfied that the evidence on file shows QDR made the nature of Mr N's dispute known to L when he complained.

In much the same way, Mr N asked our investigator to acknowledge he has been the victim of fraud. But QDR wasn't the business that lent to Mr N and isn't the owner of the debt. Where a dispute of this nature is raised, we would expect the debt collector to refer the matter to the debt owner. And I can see that's happened in Mr N's case. L responded to QDR's enquiries to confirm it had advised Mr N to contact the original lender and/or administrators to investigate the allegations of fraud further. I'm satisfied that QDR's approach in reporting Mr N's concerns to L was reasonable.

I can see that the investigator has arranged for enquiries to be made to the original lenders. I'm not going to comment further concerning whether the loans came about due to fraud in this decision. But if the loans are found to be fraudulent, I'd expect QDR to act on the instructions from L concerning whether to continue attempts to collect the outstanding balances from Mr N.

As I've noted above, I'm only able to consider QDR's actions in this decision. I've considered all the available information, including everything Mr N has said and submitted in support of his case, but haven't been persuaded to uphold this complaint. As I'm satisfied QDR dealt with Mr N's complaint fairly, I'm not telling it to take any other action.

My final decision

My decision is that I don't uphold Mr N's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr N to accept or

reject my decision before 20 July 2023.

Marco Manente
Ombudsman