

## **The complaint**

Mrs D complains that Leeds Building Society didn't send the original property title deeds to her upon the redemption of her mortgage.

## **What happened**

Mrs D had a mortgage with Leeds Building Society between 2009 and 2022. When Mrs D redeemed this mortgage in October 2022 she paid a redemption fee of £199 – this included a cost of £65 to release the documents Leeds Building Society held in relation to her property and the legal charge.

Mrs D was expecting to be provided with her property's original title deeds, but she says the package from Leeds Building Society instead only contained the following:

- A copy of the Land Registry Title Information which showed among other things Leeds Building Society's charge on the property.
- A letter date 12 November 2009 from Leeds Building Society to Mrs D's solicitor requesting the title deeds.
- The mortgage deeds.

When Mrs D contacted Leeds Building Society about this, it said that it had sent her all the documentation it held. Mrs D complained that Leeds Building Society had either lost her original title deeds or that it had failed to inform her that it never received these, and now she can't locate them.

When Mrs D complained to our service the investigator didn't uphold her complaint. In summary the investigator said that Leeds Building Society had sent Mrs D all the documents that it held. And that since October 2003 it has been normal practice for title deeds to be held electronically at HM Land Registry. So, they didn't think Leeds Building Society had made an error in only using, storing, and returning a copy of the registered title rather than the original title deeds.

Mrs D didn't agree, she said she shouldn't have been charged for the release of something she hasn't received, and that she thinks the act of charging her for the release of the title deeds confirms Leeds Building Society did have them. Mrs D has also said that without knowing her original title deeds documentation is safe, she's worried someone else may be able to commit fraud and sell her property. And that she's now lost the opportunity to trace them via the solicitors she used in 2009.

The matter was passed to me for a decision by an ombudsman. I asked Leeds Building Society for some further information. It provided a copy of the telephone calls between Leeds Building Society and Mrs D discussing this matter, and confirmed the fee charged was set out on the mortgage offer in 2009. Leeds Building Society also provided the letter it received from Mrs D's solicitor (dated 13 November 2009) in response to its letter of 12 November 2009. This letter says, *"Please find enclosed the latest title information*

*document”.*

I issued my provisional decision on 7 June 2023 explaining why I didn't intend to uphold the complaint. In summary I explained that I thought it was more likely than not that Leeds Building Society had not received or held the original title deeds Mrs D wanted. I didn't think Leeds Building Society had done anything wrong by registering its charge electronically using what it was provided with.

Mrs D didn't agree, she said Leeds Building Society ought to have told her it didn't receive the original title deeds documentation and that this has put her in a position whereby she can't obtain them. She is concerned a third party has her original title deeds and may use them to sell her house without her knowledge.

Leeds Building Society didn't respond.

### **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.

Having done so, I don't intend to uphold this complaint for the following reasons:

- There's no evidence that Leeds Building Society ever held or lost the original title deeds for Mrs D's property.
- Electronic registration came into force in October 2003 and so the original documentation wasn't needed by Leeds Building Society in 2009. By 2009 it was common for mortgage providers to register their legal charges electronically.
- There's no reference in Mrs D's solicitor's letter dated 13 November 2009 to the original title deeds being enclosed. So, on balance, I think it's more likely than not that Mrs D's solicitor provided a copy of the Land Registry Title Information or other information Leeds Building Society would have needed to register the charge electronically with HM Land Registry.
- Leeds Building Society hasn't done anything wrong in accepting what was provided rather than the original paper title deed, as it appears to have been sufficient for it to register its charge correctly. It wasn't obliged to highlight to Mrs D that it hadn't received the original documentation as this wouldn't have been unusual.
- Leeds Building Society has provided Mrs D with all the paper documentation it stored in relation to her property via a third party. Leeds Building Society has also explained that it refers to the documents pack it holds for a customer as the title deeds but that its staff don't open the package to see what's contained before returning it to the customer.
- Mrs D's mortgage offer from April 2009 contained a Redemption Fee of £199. This comprised of a mortgage exit fee of £134 and a fee for dispatching the title deeds / sealing fee of £65 as detailed on Mrs D's redemption statement. A sealing fee normally covers the administrative process involved in sending a customer their documentation and closing the mortgage account. I don't agree that this confirms Leeds Building Society held Mrs D's original title deeds, rather this is standard wording used to describe an administrative process. Mrs D agreed to this fee at the outset and I can't see that it's been applied incorrectly or unfairly in the circumstances. If Mrs D thinks there is something inherently unfair about the amount

Leeds Building Society charges for this process then this is a new issue that she would need to raise separately – I note that given the time that's passed since the mortgage began, it may not be something that our service can consider.

- In the calls provided, Leeds Building Society staff refer to having an '*official copy of the register of title*'. Mrs D is told the official copy *is* the title deed that it has been referring to and that if she has part A, B and C of the official copy of the register of title then she has everything. With this in mind, I don't think Mrs D has been given incorrect information, but I do appreciate this has been confusing for her as she was expecting the original title deeds in the format that was commonplace in the past which would have been different.
- Since October 2003 it has been normal practice for title deeds to be scanned, registered, and destroyed. HM Land Registry has confirmed to Mrs D that she doesn't need to hold the title deeds to prove she is the owner, as it holds details of all registered land or property electronically, known as the title register and title plan.
- I understand Mrs D is concerned about fraud and that a third party may have obtained the original title deeds for her property. However, I have seen no evidence to suggest this has happened or been attempted. I appreciate Mrs D is still concerned about what may happen in the future, but as I've explained Leeds Building Society wasn't obliged to inform Mrs D that it didn't receive the original title deeds paperwork and so it isn't responsible for the stress or inconvenience not having these has caused her.

For the reasons explained, I don't uphold this complaint.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 29 August 2023.

Stephanie Mitchell  
**Ombudsman**