

The complaint

Mrs H complains that Barclays Bank UK PLC delayed sending her title deeds. As a result she missed the chance to re-mortgage before rates increased.

What happened

Mrs H received an offer for an equity release mortgage. She needed her property title deeds to complete the mortgage. Mrs H says Barclays sent the deeds too late, after the offer for the equity release mortgage expired on 8 September 2022. She had to re-apply at a higher interest rate.

Our investigator said Mrs H didn't contact Barclays until early September 2022. This was too late for Barclays to provide the title deeds in time for her to complete the mortgage.

Mrs H didn't agree. She said she could obtain phone records to show when she contacted Barclays.

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.

Where the evidence is incomplete, inconclusive or contradictory, I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

Mrs H received an offer for an equity release mortgage in late July 2022. The offer expired on 8 September 2022. Mrs H's solicitor asked for the title deeds. Mrs H thought Barclays might have the title deeds as she'd previously had a mortgage with Barclays.

Mrs H says she called Barclays on 2 September 2022 and also visited her local branch that day. Barclays says it has no record of contact from Mrs H on 2 September 2022. Mrs H says she contacted Barclays again on 8 September 2022.

Barclays says Mrs H first contacted it about the title deeds on 9 September 2022. It sent a recording of this call. Mrs H didn't say she'd previously called Barclays about the deeds. She said she'd visited the branch that morning and been told to call Barclays.

Barclays did make an error. When Mrs H first called it said it didn't have the title deeds. When Mrs H called on 23 September 2022 Barclays said that it did have the title deeds. It arranged for them to be sent to Mrs H on 3 October 2022.

Mrs H said she spent considerable time contacting solicitors and other businesses as well as searching the property to locate the title deeds. She called Barclays several times before she was given correct information about it having the title deeds.

Barclays accepts it made an error and offered £600 as an apology for the distress and inconvenience caused. I think this is fair and reasonable in the circumstances.

Interest rates increased from mid to late 2022. So when Mrs H's equity release mortgage offer expired and she had to re-apply the interest rate was higher. I appreciate that over the life of the mortgage this will cost considerably more. I don't think it's fair and reasonable to require Barclays to pay compensation for Mrs H's financial loss. To do this, I'd have to find that Barclays made an error and it was this error that was the only or the main reason for the loss.

While Barclays made an error (it told Mrs H it didn't have the deeds) I don't think I can fairly find that this was the reason Mrs H's equity release mortgage didn't complete before the mortgage offer expired. The mortgage offer expired on 8 September 2022. Barclays says Mrs H first contacted it about the deeds after this.

Even if Mrs H provided evidence she'd contacted Barclays on 2 September 2022 (as she says) I don't think in fairness I could find that the mortgage would have completed before the mortgage offer expired. There would have been only four working days during which the deeds had to be located and sent to the solicitor, the solicitor had to check the deeds and send a certificate of title to the new lender for its approval and release of funds. Even if this could have been achieved, I can't be sure there wasn't anything else that could have stopped or delayed the mortgage completing.

In the circumstances, I don't think it's fair and reasonable to require Barclays to pay compensation for Mrs H's additional interest costs.

My final decision

My decision is that Barclays Bank UK PLC should pay £600 to Mrs H as it offered to do.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 18 March 2024.

Ruth Stevenson
Ombudsman