

## **The complaint**

Miss C and Mr W complain about the valuation conducted on behalf of Bank of Scotland plc trading as Halifax on their property.

## **What happened**

Miss C and Mr W have a property and a mortgage with Halifax. They applied for additional borrowing. Halifax engaged a surveyor. Miss C and Mr W thought the survey went well and expected a valuation of about £825,000.00. But the valuation came back at £675,000.00 which meant that they couldn't apply for the further advance. Miss C and Mr W felt that the valuation didn't tally with comparable sales in the area and what the surveyor had told them.

Our investigator didn't recommend that this complaint should be upheld as Halifax was entitled to rely on the opinion of a suitably qualified valuer. Miss C and Mr W replied saying that the complaint wasn't in reference to the valuation of the property but, the inability to appoint anyone but Halifax's surveyors, the surveyor supplying false information at a meeting at the house, the inability of Halifax to provide information about the valuation decision, the inability to speak to the surveyor, the payment of a fee of £100 for a service that was not provided, that the valuation was 20% lower than the minimum market value for the area and Halifax's inability to provide reasons for this and Halifax not providing a right of appeal.

## **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 understand that Miss C and Mr W bought this property in May 2023, I believe, for £623,000.00 with a mortgage of about £530,000.00. Some eight months later they approached Halifax for further borrowing to assist them to renovate the property. Halifax appointed a valuer who spoke to Miss C and Mr W and visited the property valuing it at £675,000.00 whereas Miss C and Mr W hoped for a valuation of £725,000.00 which they got from an agent.

Halifax business is lending money secured on property. In order to determine whether and for how much a property is worth as security it engages a valuer with a suitable qualification to perform that task. I understand that Halifax normally uses the same firm of surveyors to undertake this task and I see that the fee quoted is £100 which is what Miss C and Mr W paid. What were they paying for? They were paying for the surveyors to undertake a valuation on Halifax's behalf to establish the valuation of the property for mortgage purposes. That's what Halifax got so I don't consider the £100 they paid for the valuation should be returned.

Halifax engaged a suitably qualified surveyor and were content to accept the valuation. Miss C and Mr W were unhappy partly because they say the surveyor indicated that the valuation would be greater than it was and secondly because they could produce competing evidence that the valuation should have been higher. Halifax put the competing evidence to the

surveyor which responded giving reasons why it was not departing from its valuation.

My view is that Halifax isn't a surveyor and is entitled to rely on the advice of a suitably qualified professional that it engages to advise it. The surveyor is an independent organisation and not acting on behalf of Miss C and Mr W but engaged to provide a valuation for Halifax. So that's why Miss C and Mr W haven't received all the correspondence between the surveyor and Halifax. Its duty is to advise Halifax not Miss C and Mr W.

I know that there were certain comments passed between the valuer and Miss C and Mr W at their meeting about the value of the property but what was said by a member of a separate organisation is not the responsibility of Halifax. I note that when Miss C and Mr W provided information to challenge the surveyor's valuation it was passed for review to the valuer who provided a reasoned response to Halifax. So, I can't say that Halifax didn't listen to and act on Miss C and Mr W's concerns about the valuation. But the valuation on its behalf is not a matter for Halifax but the surveyor and I can't say that Halifax has done anything wrong, and I can't fairly uphold this complaint.

There is an additional issue in that Miss C and Mr W say that Halifax has not responded to a data subject access request ("DSAR") application they made. I note that in an email of 1 February 2024 to Halifax Mr W says he would like to do a SAR "*on all the information in regards to this application both sent to and received from the (surveyors)*" It appears that this was not replied to as Halifax responded later to the substance of the complaint rather than advising Miss C and Mr W about how to make the DSAR. The complaint that Halifax processed was in respect of the complaint about the surveyors. If I look at the Halifax website, there is an explanation as to how to make a formal DSAR, but Halifax says that it didn't receive such a formal request. My view on this is that if Miss C and Mr W wish to make a DSAR, they should follow the instructions on the website and if they have issues with Halifax's response they should complain to Halifax in the first instance and if not satisfied with that, they may have a right of referral to ourselves.

### **My final decision**

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C and Mr W to accept or reject my decision before 26 December 2024.

Gerard McManus  
**Ombudsman**