

The complaint

Miss E's complaint is about the administration of her buy-to-let (BTL) mortgage account held with Bank of Ireland (UK) Plc ("BOI") after it fell into arrears. Miss E says that BOI *"constantly harasses, intimidates and seeks income and expenditure every 3 months. This has caused severe anxiety, panic attack humiliation, degradation and causing mental health issues"*.

To settle the complaint Miss E wants BOI to pay compensation and wants rules to be put in place to ensure that in future nobody goes through what she has endured.

On 10 April 2025 I issued a decision in which I explained that I can only consider the bank's actions from 12 July 2023 onwards.

What happened

I don't need to set out the full background to the complaint. This is because the history of the matter is set out in the correspondence between the parties and our service, so there is no need for me to repeat the details here. In addition, our decisions are published, so it's important I don't include any information that might lead to Miss E being identified. So for these reasons, I will instead concentrate on giving a brief summary of the complaint, followed by the reasons for my decision.

Miss E's interest-only BTL mortgage was, unfortunately, in arrears of about £5,100 in July 2023. The contractual monthly repayment (CMP) was approximately £900 per month. Unfortunately, by May 2024 the arrears had increased to just over £7,000, and the CMP had increased to about £1,100.

BOI was in contact with Miss E from July 2023 and asked her to complete an income and expenditure (I&E) form so it could see what help it might be able to provide. Miss E didn't complete this until February 2024. After receiving this, BOI granted a concession where Miss E was only required to pay the CMP, rather than anything off the arrears.

Miss E raised a complaint with BOI in May 2024 about the arrears and the lack of support from BOI. BOI didn't uphold the complaint and so Miss E brought it to our service.

An Investigator looked at what had happened. He explained that part of Miss E's complaint had been brought too late, and new issues Miss E had raised would need to be considered as a separate complaint. However, overall, the Investigator thought BOI had treated Miss E fairly in relation to the way it had dealt with the account from July 2023 onwards. The bank had tried to find out more about Miss E's circumstances to see how it could help her, and it had granted her a concession to pay only the CMP for a period of months.

Miss E disagreed with the Investigator's findings and asked for an Ombudsman to review the complaint.

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.

First, I confirm that I've reconsidered the issue of our jurisdiction, and I remain of the view that I can only consider the events that have taken place from 12 July 2023 onwards, because earlier events have been raised too late for us to consider them.

Secondly, I note Miss E has provided us with a new final response letter in relation to other issues that have recently arisen. I will not be looking at any new issues as part of this complaint. The Investigator has explained that Miss E will need to bring a fresh complaint in relation to those new matters.

Turning now to the events from 12 July 2023 onwards, I've reached the same outcome as the Investigator, for broadly the same reasons.

As this is a BTL mortgage, it's unregulated, and so the regulatory obligations that mortgage lenders are required to comply with to help borrowers in arrears on a residential mortgage don't apply here. But BOI is still required to treat Miss E fairly and to explore all ways of resolving her financial difficulties.

I'm satisfied that BOI tried to engage with Miss E to find out about her financial situation, so the bank could better understand how it could assist Miss E. I appreciate Miss E was reluctant to acknowledge the arrears were her responsibility – for reasons I am unable to consider as they relate to the complaint issues that are out of time.

However, I don't think BOI acted unreasonably in expecting Miss E to provide details of her I&E so that the bank could see what it could do to help. It wasn't until February 2024 that Miss E provided this, following which BOI granted a concession allowing Miss E to pay the CMP only for several months – initially three months, but the bank later extended this to five months.

I think this was fair and reasonable in all the circumstances. The mortgage was in arrears that had increased by about £2,000 in a relatively short period of time. This is a BTL mortgage and so is considered to be a commercial investment. BOI would therefore have been within its rights to appoint Receivers or to call in the debt. Instead, BOI granted Miss E a concession to enable her to try to get things back on track.

I'm not persuaded BOI's contact with Miss E was intimidating, or that she was harassed by the bank. It was reasonable for BOI to ask Miss E to provide information about her circumstances, and I'm satisfied BOI's conduct of the account and its contact with Miss E was appropriate.

I understand that Miss E believes the arrears arose as the result of the negligence of a third party. That's something she'll need to take up with that party, as it's not something that I can consider here because the third party isn't subject to the rules of the Financial Ombudsman Service.

Overall, I'm not persuaded BOI treated Miss E unfairly, that it harassed her, or that its requests for information were unreasonable. When Miss E provided her I&E, a concession was put in place which I am satisfied was fair to all parties in the circumstances.

My final decision

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

This final decision concludes the Financial Ombudsman Service's review of this complaint. This means that we are unable to consider the complaint any further, nor enter into any discussion about it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss E to accept or reject my decision before 9 May 2025.

Jan O'Leary
Ombudsman