

## The complaint

Mr C is unhappy with how he has been treated by Topaz Finance Limited trading as Hyalite Mortgages, in relation to his mortgage.

## What happened

Mr C took out a joint mortgage with his ex-partner in August 2006. They borrowed approximately £94,000 over 25 years, on a repayment basis. The mortgage was originally taken out with another lender and was later transferred to Topaz Finance Limited trading as Hyalite Mortgages (Hyalite). Hyalite is responsible for dealing with the complaint and I will refer to Hyalite only throughout this decision, for ease. This complaint is being brought solely by Mr C.

Mr C and his ex-partner experienced difficulties always making the monthly repayments, and arrears accrued on the account. In May 2013, the property was repossessed, leaving a shortfall amount outstanding.

Hyalite's records show that Mr C has made a number of complaints about the mortgage over time. This includes a complaint in 2016, where the final response letter includes the following complaint point: *"We did not hold up to date contact details for you and therefore you were unaware of our intention to repossess your property. You feel we should have chased you to obtain these details."*

In 2024, Mr C complained to Hyalite that it should never have granted him the mortgage, given his employment circumstances and income at the time.

He also complained that he hadn't been sent any letters regarding the repossession, before the property had been repossessed. And that Hyalite's agent had used threatening language in a telephone conversation on 18 October 2024.

Hyalite didn't uphold the complaint. In summary, it said that the complaints about the original lending, and not being made aware of the repossession, had been made too late under the rules that apply. In terms of the telephone call, it said no threatening language had been used and its agent had handled the call in a professional manner. Mr C remained unhappy and referred his concerns to the Financial Ombudsman Service.

An Investigator here issued their assessment of the case. In summary, they said that the complaints about the original lending and not being made aware of the repossession, weren't ones that we could consider. This was on the grounds that both complaint points were about things that happened more than six years before Mr C had complained, more than three years from when he'd been aware of a problem, and that there were no exceptional circumstances preventing him from complaining sooner.

In terms of the telephone call, the Investigator didn't think Hyalite's agent had acted inappropriately, so didn't uphold the complaint.

Mr C remained unhappy and asked for his case to be escalated to an Ombudsman. He said

that he had twice complained about the original lending within the prescribed time limits, but hadn't received a response.

He also said that Hyalite had suggested to him that agreeing the original mortgage would've been a mistake, because in 2006 mortgages were given to people who couldn't afford the repayments.

I asked both parties for additional information. I asked Hyalite for full contact notes, transaction history and details of all recorded complaints received from Mr C.

I asked Mr C to confirm he remained unhappy about the three original complaint points (he confirmed that he did) and to send us any written acknowledgments or other records to support that the complaints about the original lending, had been received by Hyalite (or an earlier lender). Mr C said he had mis-placed all correspondence from previous lenders, due to moving address several times.

I issued a decision setting out the parts of Mr C's complaint that I would be considering. I said the only issue I'll be considering is the complaint about the phone call that took place in October 2024. This decision sets out my findings in relation to that.

### **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've reached the same overall outcome as the Investigator, for broadly the same reason.

Before explaining why, I acknowledge that Mr C finds himself in a difficult situation. And although I've explained why I'm only considering the phone call in October 2024 and not his other complaint points, this is likely to be disappointing for him.

I've listened to a recording of the phone call and considered what Hyalite's representative asked, whether they used any threatening language, and generally the way they handled the call.

I acknowledge that Mr C doesn't think that Hyalite's representative should have been asking him questions which were about checking the accuracy of details he'd previously provided relating to his income and expenditure. However, I find the questions were reasonable. In asking the questions, Hyalite was seeking to make sure it had an accurate picture of Mr C's income and expenditure, so that it could consider what ongoing forbearance would be appropriate. This isn't unreasonable.

In terms of Hyalite's agent's manner, again I acknowledge Mr C's perspective that Hyalite's agent used threatening language and was rude. However, I disagree. I didn't hear Hyalite's representative use any threatening language, and I consider they acted reasonably, explaining why they were asking what they were asking, and doing so politely.

I'm sorry to disappoint Mr C, but considering everything, there are no grounds for me to uphold his complaint.

### **My final decision**

My final decision is that I don't uphold Mr C's complaint about Topaz Finance Limited trading as Hyalite Mortgages, in relation to the phone call that took place in October 2024.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 09 July 2025.

Ben Brewer  
**Ombudsman**