

The complaint

This complaint is brought by Mr K in his capacity as executor of the estate of the late Mr G. It relates to buy-to-let (BTL) mortgages Mr G held with The Mortgage Works (UK) Plc (referred to here as TMW).

Mr K is unhappy that TMW wrote to him to say that two of the accounts were in arrears. When Mr K tried to pay funds into the account, they were returned, marked as standing orders. On another occasion, payments made by Mr K were accepted. Mr K is also unhappy at the length of time TMW took to provide him with information about the third mortgage account.

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 Mr K or Mr G 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.

Mr G had three BTL mortgages with TMW. I am very sorry to note that Mr G passed away in April 2023. In line with its internal policies, in June 2023 after TMW was informed of Mr G's death it applied a 12-month nil payment concession to the three accounts. TMW's position is that this should be sufficient time for Probate to be obtained and for the estate to make arrangements to repay the mortgages.

However, Mr G's estate was, I am told, complex. The Grant of Probate was issued by a foreign court in February 2024, but it wasn't until October 2024 that it was ratified by the court in England. In November 2024, after Mr K had been able to provide TMW with relevant documentation, he was authorised to make payments to the account on behalf of the estate.

Before being authorised by TMW, in October 2024 Mr K had previously tried to make payment towards two of the accounts. These were rejected and returned, marked as standing orders. Mr K was puzzled by this, as he hadn't set up a standing order.

Mr K complained, saying that TMW had accepted other payments from him. He was also unhappy about letters received about arrears, when TMW had rejected the payments he'd tried to make.

TMW explained that the other payments Mr K had made had been accepted in error and should have been returned. However, the payments had been applied to the accounts. TMW also explained that it was the banking system that had classified the returned payments as standing orders.

Dissatisfied with TMW's response, in December 2024 Mr K referred the complaint to our service. In addition to the issues about payments, Mr K said that he'd asked TMW for information about a third account, but had had no response.

An Investigator looked at what had happened but didn't think the complaint should be upheld. The Investigator was satisfied that TMW had acted correctly in rejecting the payments Mr K had made to the accounts before he was authorised to do so. The Investigator also explained that TMW had responded to Mr K's query about a third account on 3 December 2024.

Mr K asked for an Ombudsman to review the Investigator's findings. Mr K said that the letters TMW sent about arrears made no mention that payment could only be made from a specific account. The arrears letters had been addressed to Mr G's personal representatives, which was him, as Executor of the estate. In addition, Mr K said that the issue relating to returned payments being described as 'standing orders' is something TMW needs to take up with its bankers. In relation to the information about the third account, Mr K has accepted that this issue is now largely academic, as he received the information he'd requested.

Mr K wants the Financial Ombudsman Service to *"see the silliness"* of TMW's actions and to instruct TMW to *"cease and desist sending nonsensical letters to others at any time but particularly at a time of grief. Also to instruct them to resolve any issues with their bankers that cause returned payments to be erroneously described."* Mr K said that he didn't think the Investigator had taken his complaint seriously.

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 conclusion as the Investigator, for broadly the same reasons.

TMW's records show that the solicitors Mr K had instructed in relation to the estate had been in contact with TMW about the mortgages. The solicitors initially had authority to deal with the mortgages and make payments. On 8 November 2023 TMW wrote to the solicitors explaining:

"While you are authorised to make payments, we are unable to accept payments from any third party who has not provided us with their ID. If the personal rep wishes to make payments, please return the attached form and relevant documents."

This in my opinion was reasonable, as TMW is required to comply with AML (anti-money-laundering regulations).

It wasn't until a year later, after Probate had been granted in England, that Mr K was authorised to make payment on the account, after he'd provided TMW with the required ID. Given this, I'm also satisfied that it was reasonable for TMW to return payments he'd made before he was authorised to do so.

I do appreciate that Mr K was frustrated at receiving letters from TMW about arrears but then refusing to accept his payments. Mortgage account administration is largely an automated process, and so when the nil payment concession expired, this would automatically have triggered TMW's system to send out letters about arrears on the accounts.

The letters were system-generated, and so I wouldn't expect them to mention that payments couldn't be made by third parties. But, as I said above, TMW had already explained this to

the solicitors acting for the estate. If the solicitors hadn't passed on this information to Mr K, that's something he'll need to raise with them.

TMW has acknowledged that it made an error in accepting other payments from Mr K before he was authorised to make them. However, this hasn't resulted in any detriment to the estate.

The way the returned payments were described (as standing orders) by TMW's bankers is outside the control of TMW. I don't have any power to instruct TMW to tell its bankers to resolve this issue.

Mr K has acknowledged that the issue relating to delay in providing information about a third account is now resolved. As this is a moot point, I don't need to comment on it any further.

I do understand and acknowledge that these events occurred at a time when Mr K had suffered a bereavement, and I don't underestimate his strength of feeling about this matter. It's unfortunate that it took so long for Probate to be granted, and I know that's not something over which Mr K (or TMW) had any control. But overall, I'm unable to find TMW has caused any financial loss or detriment to the estate.

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 the estate of Mr G to accept or reject my decision before 22 July 2025.

Jan O'Leary
Ombudsman