

The complaint

Ms O complains about buy-to-let mortgages she holds with Bank of Scotland plc trading as Birmingham Midshires. She complains that it has not treated her fairly.

What happened

In 2006, Ms O took out two buy-to-let mortgages with Birmingham Midshires. She took another one in 2007. The mortgages were recommended by a third-party broker. Two of the mortgages have been repaid – one in 2007, the other in 2009.

The buy-to-let mortgage that remains open is in arrears Birmingham Midshires has started recovery action.

Ms O complains that she has been the victim of a wide-ranging fraud where the police, Lloyds Bank and individual employees of the bank, and other financial firms have colluded against her. She considers that she has been the victim of the “HBOS Reading fraud” and that she should have her case considered by the independent “Re-Review” panel.

Ms O said she does not recognise the brokers that gave her advice in respect of the mortgages she held with Birmingham Midshires. She is also unhappy with how the mortgages were sold to her, that the recovery action taken by Birmingham Midshires is unfair and that her data subject access request has not been complied with.

I issued a provisional decision. My provisional findings included:

Jurisdiction

Each of the mortgages were sold more than six years ago. Ms O was sent paperwork regarding each of the mortgages. If, as she says, she did not consent to the mortgages being taken out, then she ought reasonably to have become aware that she had cause for complaint more than three years ago.

But Birmingham Midshires has given us evidence that shows Ms O contacted it in 2011. Its notes say that “started accusing BM of stealing belongings from her repo’d prop also alleged we’ took cash payments from a five man cartel to repo her prop so we could gain financially...” I think that is a written acknowledgment of the complaint that Ms O has made here.

There is also written acknowledgment of a complaint in 2012: “we have declined the previous complaint as mortgage has not moved companies and this no ne contract was required and no contact was needed in regard to this.”

While Birmingham Midshires has issued final responses to other complaints, I can’t see that it issued one that really dealt with the issues Ms O has raised. So I consider that complaint has been made in time. And listening to what Ms O has told us there may have been exceptional circumstances that prevented her complying with the time limits.

Part of Ms O’s complaint regards the actions of Lloyds Bank. While that is part of the same group of companies as Birmingham Midshires, they are separately registered. I can’t consider a complaint against Lloyds as part of this complaint. And we could only look at a complaint if it arises out of a relationship that Ms O had as a customer of Lloyds.

The mortgages were sold by third party brokers – they are responsible for the advice given to take the mortgages. But we could still look at Birmingham Midshires involvement in the sale as a lender.

Fraud

I know Ms O genuinely and sincerely believes she has been the victim of an ongoing fraud and conspiracy against her by a number of parties that includes Birmingham Midshires, organised crime gangs, the police and various other parties. But other than what she has told us there is no evidence to support what she has said. A lot of the allegations involve third parties who have no connection to Birmingham Midshires. And it is not clear specifically what she thinks Birmingham Midshires did wrong when approving the mortgages.

I do understand how much this means to Ms O and I am genuinely concerned by what she's told us. But – and this is not something I say lightly – I'm afraid a lot of the allegations she's made seem unlikely. I know at times she's received help handling her affairs including her finances. It might be helpful if she was to speak to a person that has helped her manage her affairs in the past to discuss what she has said.

In any event, due to the passage of time there is limited information regarding the sale of the mortgages. Birmingham Midshires did not give advice and these were all buy-to-let mortgages. It still had some responsibilities as a lender. But looking at the evidence we have, I can't see any reason why it ought to have had any concerns about the mortgages.

Birmingham Midshires said that it had no records that Ms O was a customer of its "impaired assets offices". And Ms O has not given us any evidence that she was a customer. So I see no reason why she would qualify for an independent review.

Legal action

When Ms O took out the mortgage it was a buy-to-let. But I understand she is currently living in the property. That is in breach of the terms of the mortgage. The mortgage is significantly in arrears, the arrears are increasing and there is no viable plan to get things back on track. On the face of it those are legitimate reasons for Birmingham Midshires to take action to repossess the property.

In saying that, Birmingham Midshires ought to be aware of Miss O's circumstances and it should treat her fairly. But I think it has done all it could in the circumstances. By October 2024 the mortgage was already significantly in arrears. Birmingham Midshires tried to speak to Ms O but she refused and said to should speak to her attorney. But when Birmingham Midshires spoke to her attorney they said that Ms O wished to deal with her affairs herself.

It would not be fair for Birmingham Midshires to let the arrears grow unless it could be satisfied that there was a viable and sustainable plan to get the mortgage back on track. But to be able to do that it needs to gather information from the borrower to assess what they can afford. While I understand the very difficult circumstances Ms O has experienced, in the circumstances I don't think it was unreasonable for Birmingham Midshires to take the action it has.

Data subject access request

The evidence I have seen supports that Birmingham Midshires responded to Ms O's subject access request in 2024. It then asked for identification to comply with a further request. I don't think that is unreasonable. It may be that Ms O thinks there is information missing that relates to the conspiracy against her. That is likely because there is no evidence of that. Ms O can refer this matter to the Information Commissioner's Office if she thinks Birmingham Midshires has not complied with her requests.

Birmingham Midshires accepted my provisional findings. Ms O did not respond.

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.

There have not been any substantive responses to my provisional decision. In view of that I see no reason to reach a different conclusion than I did in my provisional decision.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms O to accept or reject my decision before 15 September 2025.

Ken Rose
Ombudsman