

## **The complaint**

Mr E complains that Topaz Finance Limited trading as Hyalite Mortgages has treated him unfairly in seeking to recover a mortgage shortfall debt.

## **What happened**

Mr E took out a mortgage with Mortgage Express in 2006. The mortgaged property was taken into possession in 2007 and later sold, but it didn't sell for enough to repay the mortgage in full so a shortfall debt remained. Mr E has been making regular payments to the debt since 2011, mostly of £10 a month and since September 2024 of £50 a month.

In early 2024 Hyalite contacted Mr E and asked him to repay the debt, which was still more than £140,000. Mr E has since made various offers of repayment, including to pay lump sums with the help of friends and family. He has also made complaints about the way Hyalite has treated him. Hyalite sent him the following final response letters:

- 28 May 2024: in response to Mr E's complaint that Hyalite hadn't sent him written confirmation of its decision not to accept his offer to pay £5,000 in full and final settlement.
- 13 September 2024: in response to Mr E's complaint that Hyalite was considering applying for a charging order on his property.
- 20 February 2025: in response to Mr E's complaint that Hyalite only gave him 28 days from 8 January 2025 to pay the £58,000 it had said it would accept to settle the debt.

On 4 April 2025 Mr E referred his complaint about the way Hyalite had treated him to the Financial Ombudsman Service.

Our Investigator said we could only look into the complaint Hyalite responded to in its February 2025 final response letter, because Mr E had referred his earlier complaints to us too late. The Investigator then considered Mr E's complaint about Hyalite's offer to accept £58,000 in settlement of the debt and the timeframe it gave for payment. He concluded that Hyalite had acted fairly so he didn't recommend that the complaint should be upheld.

Mr E asked for an Ombudsman's review. He said this is a single ongoing dispute and exceptional circumstances apply, so we should consider all aspects of his complaint and not just the one Hyalite responded to in February 2025.

The complaint has been referred to me to decide. I issued a decision to confirm the scope of my power to consider this complaint. I concluded that I can't look into the complaints Hyalite responded to in its final response letters of 28 May 2024 and 13 September 2024. I said that I can consider the complaint Hyalite responded to in its final response letter dated 20 February 2025 – that is, that it only gave him 28 days from 8 January 2025 to pay the £58,000 it had said it would accept to settle the debt. This final decision is to set out my conclusions about 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.

I can see that Mr E has found dealing with this matter stressful and upsetting, and I've noted what he has said about the ongoing and prolonged nature of this complaint. While I can't make a decision about the complaints Hyalite responded to in 2024 because they are time-barred, I can bear them in mind as part of all the circumstances and background to this complaint. Having done so however, I've come to the same conclusion as our Investigator – I can't fairly uphold this complaint.

Hyalite told Mr E in January 2025 that it would accept £58,000 to settle the debt of around £140,000. Its records say that it did so having considered Mr E's circumstances, including the payments he had made over the years, his current income and expenditure, and the equity in the property he now owns. I don't think that this was unreasonable, or that it was unreasonable for Hyalite to put a deadline on its offer, given the time the debt had been outstanding and given that it hadn't received evidence of the source of the lump sum payments Mr E had offered. It later extended the time for which the offer was open when Mr E said he needed more time. I think that was fair.

I recognise that Mr E is keen to avoid court action because of the impact this could have on his home and his job. Hyalite responded to his complaint about the legal action it said it may take in September 2024. I've found that complaint point is time-barred so it isn't one I can decide and, for the reasons I've explained, I don't find that Hyalite treated Mr E unfairly in terms of the part of the complaint I can determine. So, while I realise this isn't the outcome Mr E was hoping for, I don't uphold this complaint.

## **My final decision**

My final decision is that I don't uphold this complaint. I make no order or award.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 2 December 2025.

Janet Millington  
**Ombudsman**