DRN-6165477

The complaint

Mr I's complaint is about a mortgage he used to hold with Bank of Ireland (UK) Plc, referred to here as BOI. Mr I is unhappy about the bank's process for a negative equity sale (NES) from 2 August 2025 onwards, and says that BOI has incorrectly calculated the shortfall balance arising from the NES.

On 11 February 2026 I issued a decision in which I explained that the issues listed above are the only ones I will be considering in this final decision.

Mr I is represented in the complaint by his father, who shares the same surname initial, so for clarity and to avoid confusion, I will refer to Mr I throughout as if he, not his father, has made all submissions.

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 I 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 I owned a buy-to-let flat mortgaged to BOI on an interest-only basis. In 2024 Mr I wanted to sell the flat, but due to market conditions, the asking price was less than was owing on the mortgage. As a result, Mr I needed BOI's permission to sell the flat. The process took much longer than Mr I anticipated and it wasn't until October 2024 that the property was sold.

Mr I complained, first to BOI and to our service. Mr I wasn't happy about BOI's NES process, and said that the amount of the shortfall debt was higher than it should have been. In three final responses, BOI didn't uphold the complaints and so Mr I contacted our service.

We weren't able to look at Mr I's concerns about BOI's NES process up to 1 August 2024. An Investigator looked at what had happened since then, but didn't think the complaint should be upheld. She was satisfied that the bank had correctly calculated the amount of the shortfall debt.

Mr I 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.

As stated above, I've already explained which parts of the complaint I'm able to consider. In response to my decision dated 11 February 2026 Mr I has repeated all the reasons why he thinks we should consider all his complaint points. However, I'm satisfied he raised his concerns about BOI's NES process up to 1 August 2024 out of time and so I do not intend to

change the conclusions reached in my decision of 11 February 2026 about which parts of the complaint I'm able to consider.

I've looked at what happened from 2 August 2024 onwards. Having done so, I'm afraid I have disappointing news for Mr I; I'm not upholding his complaint. These are my reasons.

The bank's internal notes show that, in order for BOI to approve the NES sale, Mr I was required to provide information about his finances and circumstances. However, bank statements was sent that had been redacted, which wasn't acceptable to BOI. In addition, the surveyors appointed by BOI to carry out valuations had difficulty accessing the property.

BOI was also unable to discuss the matter with Mr I's solicitors until Mr I had provided sufficient documentation to verify his identity in order to give third party authority. This wasn't provided until 28 August 2024. Following this, BOI requested information from the solicitors, which wasn't sent until 4 September 2024.

I also note that Mr I's father was contacting BOI, but because there was no third-party authority to discuss the matter with him, BOI wasn't able to disclose any information to him about the account. That is the correct process.

BOI approved the NES on 10 September 2024 and confirmed to Mr I's solicitors that Mr I needed to sign an acknowledgement of debt form, and have his signature witnessed. The form was returned on 20 September 2024, the solicitors' completion statement was received by BOI on 23 September 2024, and the NES was re-approved on 26 September 2024. Mr I's solicitors confirmed on 7 October 2024 that they intended to complete on 9 October 2024.

I'm not persuaded from the above timeline that there were any errors on the part of BOI. I note Mr I lives abroad, in a different time zone to BOI, so communication wasn't always easy or straightforward, and I can see that BOI had to chase information it required in order to be able to proceed with the NES process. I'm satisfied, therefore, that BOI didn't do anything wrong here.

In relation to the shortfall debt, I've reviewed the figures provided by BOI. These are set out in the Investigator's letter dated 22 September 2025. Having looked at the figures, I'm satisfied that the shortfall debt has been correctly calculated. The sale price of the property was £87,000. BOI received £83,425.91 from the solicitors. However, the outstanding debt due to BOI in total, including costs and arrears, was £99,535.32. This leaves a shortfall debt of £16,109.41 which I am satisfied is owed by Mr I to BOI.

In the circumstances, I'm unable to find that BOI has been at fault.

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 Mr I to accept or reject my decision before 19 March 2026.

Jan O'Leary
Ombudsman