

The complaint

Mrs B is unhappy that Landmark Mortgages Limited proceeded with enforcing a possession order that was originally granted in 2019. She says this decision was unfair and that Landmark have only now enforced it because the order was nearing expiry. Mrs B believes that Landmark should have waited until her divorce proceedings completed as she would then have a lump sum to clear the arrears on the mortgage.

Mrs B has also complained about the sale of the mortgage.

Due to the circumstances of this complaint, we only have Mrs B's consent to consider the above points.

What happened

Mrs B has a mortgage with Landmark which is held jointly with her husband. This mortgage was originally taken out with unsecured borrowing known as a 'together' mortgage. This means the main part of the mortgage was secured, and the smaller portion was an unsecured loan.

Mrs B has explained that she has separated from her husband and has been the victim of financial abuse.

The mortgage fell into arrears and in 2019, Landmark obtained a suspended possession order and have only recently tried to enforce it as they cannot see how the situation regarding the arrears is going to be resolved.

Mrs B made numerous complaints to Landmark and Landmark have responded to each complaint explaining why they believe they have done as much as they can do in order to support Mrs B.

The complaint was looked at by one of our investigators who explained that our service was limited to what we could look into as some of the points raised by Mrs B have been raised outside of the relevant time limits. But the investigator did go on to consider the merits of the complaint but she didn't uphold it. She thought that Landmark had acted fairly and reasonably in their dealings with Mrs B.

Mrs B accepted what the investigator said except for the following points:

- She believes the mortgage was mis-sold and doesn't understand why our service isn't able to look into this matter.
- The courts are aware of the financial abuse matter but she doesn't believe that Landmark have investigated this matter.
- She said she didn't receive a copy of the suspended possession order from 2019 and she doesn't think that Landmark or their solicitors did either and wants this looked into.

Mrs B has also said that Landmark have been very good and supportive but just wanted the above to be looked into. She also explained that she is looking to clear the arrears now with family support so she feels she is in a better position.

As Mrs B disagreed with the above, the case has been passed to me to decide.

I issued a decision on this case setting out what I could and couldn't consider. I explained that we would not be able to consider the complaint about the mortgage being mis-sold as it had been brought outside of the relevant time limits. I confirmed we could consider the following:

- The courts are aware of the financial abuse, but she doesn't believe that Landmark have investigated this matter.
- She said she didn't receive a copy of the suspended possession order from 2019, and she doesn't think that Landmark or their solicitors did either and wants this looked into.

I then issued a provisional decision dated 17 March 2026 on the parts that we could consider above. I said:

I've considered the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Court order

I have seen that Landmark sent Mrs B a final response letter about this in January 2025. They said that Mrs B wanted a copy of the suspended possession order, but they explained they didn't physically hold it. They said that Mrs B would be able to obtain a copy through the court. They also provided her with a copy of the information that their solicitors held which outlined the information that Mrs B wanted to know.

Landmark acknowledged that they didn't get back to Mrs B as quickly as they should have done about this, so they offered her a payment of £50.

Possession orders are agreed by a court, so a court would be able to provide this information which is something they would provide a consumer and a lender. It wasn't the responsibility of Landmark to hold this or provide a copy to Mrs B. But they did try and obtain some information from their solicitors about this which I think was the right thing to do.

I do agree that they could have responded to Mrs B sooner about this as it's evident she had been asking for it so I think they could have made it clearer to her what she needed to do. So I think the amount they offered was fair and reasonable in the circumstances of this complaint.

Other party not agreeing to nil concession

Mrs B has said she's unhappy that Landmark asked Mrs B's husband for permission to grant a nil payment arrangement in January 2024. She said that he refused this which shows financial control. Mrs B said she knew at the time that he had funds available to pay the mortgage but refused to do so. Mrs B says that Landmark haven't investigated this point and wants to understand their position on it.

I can see that Landmark sent Mrs B a letter addressing this which was dated 22 August 2025 – which was after she brought her original complaint to our service. Landmark did explain in this letter that they had to obtain Mr B's consent. It's also evident that they have previously told Mrs B that they can't and won't get involved in disputes between the parties.

Having looked at everything in detail here, it's clear that Mrs B has had several payment arrangements prior to January 2024 and a few months after this date. So it's not clear why Landmark felt that they needed to obtain Mr B's consent at this point.

However, even if I think that Landmark ought to have agreed to a nil payment arrangement during this period, it wouldn't have made a difference to the overall outstanding balance itself.

Mrs B's mortgage is in significant arrears and Landmark have since enforced the court order from April 2019, which having looked at everything, I think was reasonable due to the level of arrears on the mortgage. I appreciate and understand that Mrs B didn't want them to do this as she wanted them to wait until divorce proceedings had finalised, but I can't agree that they needed to wait any longer for this. The mortgage has been in arrears for several years and it doesn't look like it's affordable.

I understand that Mrs B is in a very difficult situation, and I do empathise with her, but like Landmark and the investigator explained to her, it's not their responsibility to get involved in disputes between two parties.

I do however acknowledge that Mrs B has said that things are much better for her now and she feels like she is in a better place.

Overall, while I think that Landmark may not have needed to obtain the other parties' consent in January 2024, overall, I don't think it would make a difference in the grand scheme of things.

I'll await any further responses from both parties on my thoughts above before proceeding to my final decision.

Developments

Mrs B didn't agree with the provisional decision and made a number of comments. She gave several reasons why her circumstances were challenging and difficult at the time and she said that because of this, she wasn't aware of the possession order from 2019.

She also said that she didn't know that the mortgage was mis-sold until she requested a Data Subject Access Request and realised that the mortgage was in separate parts and the interest rate is too high.

Mrs B explained that Landmark have not taken into consideration her circumstances and the abuse that she has suffered over the years. She provided some very detailed and sensitive information about her circumstances.

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'd like to thank Mrs B for providing some very detailed information about her circumstances over the years. I know this wasn't easy for her to do. I'm sorry to hear about the challenging and difficult time she has been having.

The first thing to point out here is while I appreciate Mrs B being honest and open about her situation, I have already made a decision on what we can and cannot look into so I won't be able to consider her points about the mortgage being mis-sold – as these have been raised outside of the relevant time limits. If she believes the interest rate on the mortgage is too high, she will need to raise this as a new complaint as this isn't something that I can see has been specifically complained about. She will need to contact Landmark about this and if she is unhappy with their response, she can then bring that complaint to our Service.

I understand that Mrs B has said she wasn't aware of the possession order from 2019 until more recently. While I don't think this necessarily changes anything, I have taken a look at the contact notes provided by Landmark to understand what happened during that time.

There is a telephone call note on 8 March 2019 letting Mrs B know that solicitors had been instructed due to the level of arrears on the mortgage. And it's noted that she acknowledges that the hearing will go through unless she is able to clear the arrears in full – which she wasn't able to do.

I can see that payment arrangements had been set up for Mrs B to help her with the monthly payments, and she was advised on the 12 March 2019 that any arrangements now set will be agreed under a court order as another hearing was set for 10 April 2019. The suspended possession order was granted on 11 April 2019.

On 31 August 2019, Mrs B was told what the risks and consequences would be if she broke the payment arrangement and a further note dated 5 December 2019 shows that Mrs B was told that the account was still open to legal action.

I can see that there were several payment arrangements set up and missed over the course of the years and on 10 May 2023, Mrs B was told again that any arrangements broken would mean the account was open to litigation and fees.

Mrs B contacted Landmark on 30 October 2024 and after she was told about the current situation by Landmark, she asks if there would be new proceedings happening or whether the suspended possession order would be re-started.

Having looked at all of this, I'm not persuaded that Mrs B wasn't aware of the suspended possession order. She may not have seen it – which is what she has explained – but I can't say that she wasn't aware of it.

Like I said previously, court orders are sent by the court and it's not for Landmark to have provided this to Mrs B. When she did ask, Landmark eventually obtained some information from their solicitors and sent this to her. If Mrs B has concerns about not receiving this earlier, this is something she will need to take up with the court.

Having looked at what has happened, and the detailed contact notes provided by Landmark, I can't agree that they didn't support Mrs B. The notes show that Mrs B was very honest about her situation and Landmark have agreed several arrangements for her to help her with the mortgage. And even though the suspended possession order was from 2019, they tried to support her over the years until they felt they could not wait any longer as the arrears were still outstanding with little evidence of things getting resolved.

I know Mrs B will be disappointed with my decision, but I can't agree that Landmark have acted unfairly and unreasonably here. I appreciate the difficult situation that Mrs B has found herself in and I do sympathise with what has happened.

All things aside, this is a dispute between Mrs B and the other party and Landmark have found themselves in the middle trying to help Mrs B with the situation.

I appreciate that Mrs B has said that things are looking a bit better for her and I hope this is the case, but I'm satisfied that Landmark have done all they can to support her.

My final decision

For the reasons given above and in my provisional decision, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or

reject my decision before 30 April 2026.

Maria Drury
Ombudsman