

complaint

Mr R complains about Motormile Finance UK Limited's customer service. He says its contact with him has been excessive and aggressive.

background

Motormile is a debt collector. It has bought a number of Mr R's debts. Mr R complains about Motormile's contact with him. He says he received late night and early morning calls that affected his family life, he was threatened with county court proceedings and visits to his home. He complains that Motormile called him at work – that it left messages with his colleagues about his debt. And it got so bad that he complained to the police and the Office of Fair Trading.

Our adjudicator acknowledged that Motormile had contacted Mr R by text, email, on the phone and by post. But he didn't think Motormile's contact crossed the line. He said that it was entitled to contact Mr M about what he owed. And that he didn't think it called Mr M excessively. As Mr R didn't respond to Motormile, he said he could understand while it continued to contact him. He could also see that Mr R had told Motormile on 3 December 2013 that he hadn't received any of its email because they had gone into his junk folder. He didn't think Mr M could've been distressed by emails he didn't receive.

Our adjudicator said that after Mr R complained to us Motormile agreed to permanently reduce the amount he owes by 25% as a gesture of goodwill. This is a reduction of almost £240. He thought that this was fair and reasonable. And it covered what he might've recommended for any distress and inconvenience caused by Motormile's customer service.

Mr R disagreed with the adjudicator and asked for his complaint to be reviewed.

Mr R had also complained that Motormile didn't send him relevant legal documents showing that it owned his debts before it pursued him for the money. But our adjudicator said that it didn't need to provide these documents. It simply had to persuade us that it was legal owner of the debt. It has done that, and provided us with documentation to show that Mr R was told that Motormile had bought the debts. Mr R seems to accept this point now.

Recently Mr R has told us that he has found out that Motormile is responsible for the outstanding balance on a loan he took out in 2007. He says that in 2007 he had a terrible credit file and the loan wouldn't have been affordable. But our adjudicator said that this was a new issue that should be dealt with in a separate complaint so the relevant business has a right to respond. He has asked me to comment on that.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. But I don't think it would be fair for me to resolve this matter by writing off Mr R's debt as he has suggested.

Mr R says he received a huge amount of contact about his debts – often at unsociable hours. He hasn't been able to provide us with a log of this contact. But he has provided us with details of some of that contact. He's adamant it was excessive and very disruptive. He says he slept in his car or at friends' houses to avoid the phone calls, and came home from work at lunchtime to intercept his post.

I can see that Mr R is so unhappy about what happened. I appreciate the situation was upsetting. And I'm prepared to accept what Mr R has told us – that the contact that can be proven now doesn't show the whole picture. But I think Motormile was entitled to seek repayment of the debts it owned. I can see that it did say that it had passed the matter on to its Home Visit team. But I don't think those messages were aggressive. And Mr R didn't always respond to Motormile. So I can understand why it continued to contact him to remind him that the matter hadn't gone away.

I don't underestimate Mr R's strength of feeling about what happened. But taking the matter as a whole, I'm not persuaded that the contact amounted to harassment. So I don't think it would be fair for me to require Motormile to compensate Mr R or write off the outstanding debt. Motormile has offered to write off 25% of what he owes. I think that's fair and reasonable in the circumstances.

Mr R is disappointed that he can't raise issues about the affordability of his 2007 loan in this complaint. He thinks this could lead to the relevant debt being written off. But I also think it's appropriate that that issue is considered in a separate response so that the relevant business has an opportunity to respond.

my final decision

My final decision is that Motormile Finance UK Limited has made a fair offer. It should resolve this complaint by writing off 25% of what Mr R owes it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 11 January 2016.

Laura Forster
ombudsman