

complaint

Mr R complains that he is being harassed by Cabot Financial (Europe) Limited for repayment of a debt.

background

Mr R owed a debt to a bank and was making reduced repayments of £1 each month. The debt was assigned to Cabot in September 2012 and it contacted Mr R about repayment of the debt and put a charging order on his house. He complained to the bank and to Cabot that he was being harassed about the debt. He wasn't satisfied with Cabot's response so complained to this service.

The investigator didn't recommend that this complaint should be upheld. He didn't think that Cabot had acted unfairly. He thought that Cabot had done its best to respond to issues raised by Mr R. And he said that Mr R hadn't received all of its responses because he was abroad seeking medical treatment. Cabot had sent a notice of assignment to Mr R in September 2012 and had received Mr R's monthly repayments. It had obtained a charging order on Mr R's property – so the investigator suggested that he should seek legal advice if he thought the order had been obtained unfairly. And he said that Cabot hadn't sold payment protection insurance to Mr R – so he should contact the bank if he wanted to complain about that.

Mr R has asked for his complaint to be considered by an ombudsman. He says, in summary, that:

- he doesn't recall having seen any proof that his debt was being passed from the bank to Cabot;
- the bank and Cabot knew he was in dire financial circumstances and that the charged property had no equity – so there was no benefit to Cabot from putting a charging order in place;
- Cabot hasn't revealed how many reminder letters it sent to him;
- he has been out of the country and is more interested in solving his health issue than working out who has his debt and who he owes more to; and
- his responsibility is to the bank and he's never stopped paying the £1 to them, which shows his intention to repay.

my findings

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

I sympathise with Mr R for the financial – and medical – difficulties that he's suffering. But he doesn't dispute that he owes a debt to the bank and he's been repaying £1 to it each month. The bank assigned the debt to Cabot – as it was entitled to do. And Cabot sent Mr R a notice of assignment in September 2012. It has continued to receive Mr R's monthly repayments and they've been applied to his account. Cabot then applied for – and was granted - a charging order over Mr R's property.

A bank is required to respond to a customer's financial difficulties promptly and sympathetically. I consider that the bank – and Cabot - have responded to Mr R's difficulties promptly and sympathetically as they have accepted reduced repayments from him. Cabot is entitled to seek recovery of the debt. And it's entitled to communicate with Mr R about his

debt. I'm not persuaded that there's enough evidence to show that Cabot's letters have been unfair or unreasonable – and I don't consider that they amount to harassment of Mr R. Nor am I persuaded that there's enough evidence to show that the charging order has been obtained unfairly or unreasonably. Cabot's solicitors have explained the background to, and reasons for, the charging order to Mr R.

For these reasons, I find that it wouldn't be fair or reasonable for me to require Cabot to stop pursuing Mr R for repayment of the debt – or to take any other action in response to his complaint.

my final decision

So my decision is that I don't uphold Mr R's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 28 March 2017.

Jarrold Hastings
ombudsman