

complaint

Mr and Mrs B complain Barclays Bank UK PLC hasn't returned all their deeds after they redeemed their mortgage.

background

When Mr and Mrs B complained to Barclays it wasn't able to locate any of older documents Mr and Mrs B had described. It received title documents from Mr and Mrs B's solicitors in 2002. It says it returned all the documents which were listed on the schedule. And none of these documents dated from 1800s. It says it didn't ever have these older documents. But accepts it gave Mr and Mrs B inaccurate and contradictory information and so would like to offer Mr and Mrs B £100 compensation.

The adjudicator reviewed the schedule of documents sent by Mr and Mrs B's solicitor to Barclays in 2002. He could see no mention of the original deeds being sent to Barclays. He thought when the charge on the property was released in May 2018, Barclays sent all documents it held in relation to the property, which were the same documents received by it in February 2002. He thought it's fair to believe if Barclays had received the original deeds in 2002 it would have sent them back to Mr and Mrs B along with all other documents they had received. He thought the £100 Barclays had offered was fair compensation for the inaccurate and contradictory information it had given.

Mrs B doesn't think it would make sense for Barclays not to require the original deeds as security. She also doesn't think – given their size and binding – her solicitors would have made copies.

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 can understand why Mr and Mrs B are very upset about the loss of some of the historic documents relating to their property. I have seen many of these old pre-registration title documents and they can be both fascinating and beautiful.

But I'm afraid I have to agree with the adjudicator that the evidence I've seen doesn't support Mr and Mrs B's belief that the older documents were ever sent to Barclays. In the schedule of deeds and documents the older deeds aren't listed yet other documents – for example even a drainage search – is listed. This suggests to me that the list of documents is comprehensive and each individual documents listed was sent and no more were sent. There is no mention of any document which is older than 1984 and so I don't think the older document were included.

It doesn't surprise me that the older documents weren't included, as following registration of land, lawyers and banks often take the view that these older documents don't form part of the title documents any more. And the documents themselves are often valued more for their historic and aesthetic properties.

I think Barclays was right to accept that it hadn't been as clear with Mr and Mrs B as it could have been and to offer them £100. This strikes me as fair compensation for its failure to explain clearly and early on it didn't ever have these older documents.

my final decision

I order Barclays Bank UK PLC to pay Mr and Mrs B £100 as it has offered to do.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs B to accept or reject my decision before 30 April 2019.

Nicola Wood
ombudsman