

complaint

Mr R complains that he has been receiving letters from a debt collection firm for a debt that does not belong to him. The firm is dealing with a debt transferred to it by Santander Cards UK Limited. Mr R says that he has told Santander that he has never had an account with it. He wants Santander to stop saying that he is responsible for this debt, and to ensure that he receives no further debt collection letters.

background

Mr R complained to Santander and was sent a final response letter in January 2014. Santander said: after a thorough investigation, it had found that the correspondence had been sent correctly, and that the accounts had been transferred to a debt collection firm. It advised him to discuss any concerns he had with this firm. In March, Mr R referred his complaint to the Financial Ombudsman Service.

We wrote to Santander requesting information. It replied to say:

- It believed the account belonged to a relative of Mr R with the same family name and first given name, but a different second given name
- The account holder (relative) gave as his home the same address as that of Mr R.
- It had sent statements to the account holder correctly using this address, both initials of his given names and his family
- It understood that confusion could have been caused, because the debt collection firm sent letters to this address using only the account holder's first and given names (which are the same as those of Mr R)
- Santander has not acted incorrectly – it acknowledged that these letters would have worried Mr R, but felt it would have been reasonable for him to assume that the account belonged to his relative

Our adjudicator did not think the complaint should be upheld. He noted that he had investigated only the actions taken by Santander Cards UK Limited, and not those taken by any of the other parties involved. He did not consider that Santander had acted incorrectly by trying to retrieve this debt using details given by the account holder, and sending him correspondence addressed in a way which distinguished him from Mr R.

Mr R disagreed with our adjudicator, saying that nobody with the account holder's name lived at the same address as him. He asked for this complaint to be reviewed by an ombudsman.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Where evidence is incomplete, inconsistent or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available evidence and wider circumstances.

Mr R has told us that the holder of the account, which is the subject of this debt collection activity, does not live at his address. However, Santander has told us both that the account holder gave this as his address, and that Mr R would have been able to see that correspondence it sent to the account holder was not intended for him.

It is regrettable that Santander did not investigate this matter more thoroughly, when Mr R initially complained to it. Had Santander done so, it might have found the information that it later provided in response to our request, made after Mr R had referred his complaint to us.

But, on balance, I am unable to find that Santander has acted in error. Therefore, I have come to the same conclusion as our adjudicator, for the same reasons.

my final decision

For the reasons explained above, my final decision is that I do not uphold this complaint.

Roy Mawford
ombudsman