

## **complaint**

Mrs L complains that Santander UK Plc didn't contact her about a debt for several years. She asks that Santander apologises and writes off the debt.

## **background**

Mrs L took out a loan with Santander in 2000. She had financial difficulties and made payments through a debt collection agency from 2005 to 2010 when the agent asked her to stop payments. It said Santander would contact her about where future payments should be made. She heard nothing more until 2015 when a debt collection agency asked for payment. The debt had increased. Mrs L says she has other accounts with Santander so it knew where to contact her.

Mrs L says she would have repaid the debt if she'd continued to make monthly payments. So it's fair that Santander writes off the debt. She says Santander hasn't explained why it waited so long before contacting her or why the balance increased.

The adjudicator didn't recommend that the complaint should be upheld, saying:

- Santander used an agent to collect Mrs L's debt. The agent passed the debt back to Santander in 2010. Santander put the debt in a queue to be sold. During this time, it only had to send an annual statement to Mrs L.
- Santander had a reasonable explanation for having a different address for the loan account than Mrs L's other accounts. The address it had was her mother's address and it sent annual statements to this address. While Mrs L says she didn't receive the statements, she was aware of the debt.
- It was unclear why the debt collection agency had given Mrs L a lower balance in 2010. The balance on recent letters was correct.
- Santander sold the debt in late 2014. The new owner of the debt appointed a debt collection agency to collect the debt.

Mrs L didn't agree.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where the evidence is incomplete, inconclusive or contradictory, I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

The first debt collection agency returned the account to Santander in 2010. The debt was placed in a queue for sale. Nothing was sent to Mrs L other than an annual statement.

Mrs L took out the loan with another provider that later merged with Santander. The address for the loan account was different to the address for Mrs L's other accounts with Santander. Santander's systems didn't pick up that it was the same customer.

Santander says it sent annual statements to the address in its files. Mrs L says this is her mother's address and she would receive post sent there. While it's unfortunate Mrs L didn't receive annual statements, I can't be certain this was due to an error by Santander. I also don't think this would have changed the outcome. Mrs L was aware of the outstanding debt.

Having looked at statements for Mrs L's account, I think the balance stated in recent letters is correct. I understand Mrs L's concern that the debt collection agency gave her a lower balance in 2010. But I haven't seen anything to suggest this was due to an error by Santander or that Santander added interest or charges to the account after 2010.

While I can understand that Mrs L was upset to be contacted about the debt after several years, she doesn't dispute that she knew about the debt. I haven't seen anything to suggest Mrs L tried to contact Santander about making payments. I don't think in the circumstances it would be fair to require Santander to write off the debt or pay compensation.

### **my final decision**

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 18 April 2016.

Ruth Stevenson  
**ombudsman**