

complaint

Mr R complains that BW Legal Services Limited ("BWLS") is pursuing him for a debt that isn't his.

background

In January 2017 Mr R received a letter from BWLS that explained they had been asked to recover the outstanding debt that he owed to their client – who I'll call "P".

But Mr R disputes owing P any money and he says that BWLS has been unable to provide any evidence that he does.

BWLS explained that the debt was originally incurred when Mr R took a loan out with another business, who I'll call "M", in May 2012. The loan was for £700. The loan was transferred to P in line with the contract Mr R had signed. They didn't need to raise a new credit agreement. They provided copies of the original loan agreement and explained that the loan was paid into Mr R's current account. So they thought they were entitled to pursue Mr R for the debt as it was clear he owed the money.

But Mr R disagreed and he referred his complaint to this service. Our adjudicator contacted the bank the money was paid into and they clarified the account was Mr R's and that the sum had been credited to his account. He noted that the sum hadn't been returned and he also noted that two other accounts that were used, in relation to the original account with M, had been in Mr R's name. So he thought it was most likely the debt did belong to Mr R and BWLS were therefore being reasonable when chasing payment.

But Mr R disagreed and he asked for a final decision by an ombudsman.

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 know it will disappoint Mr R but I agree with the adjudicator's view and for similar reasons. Please let me explain why.

Where the information I've got is incomplete, unclear or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

I think there's enough evidence here to suggest that the debt in question is Mr R's. I say that because:

- the account the original loan was paid into was Mr R's
- the original loan agreement was registered to Mr R's old address
- other bank accounts used on the original loan were in Mr R's name

I'm required to decide if BWLS are being *fair* in pursuing Mr R for the debt and I think, given the evidence I've detailed above, they are being. So I won't be asking them to take any further action.

my final decision

For the reasons I've given above I don't uphold this complaint.

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

Phil McMahon
ombudsman