

## **complaint**

Mr B complains that MKDP LLP is chasing him for a debt he doesn't owe. It has not provided the information he's asked it for to show that it is the debt owner. Further he says the way that it has contacted him is inappropriate.

## **our initial conclusions**

Our adjudicator concluded that the debt belonged to Mr B. MKDP had shown that it was the owner of the debt. She didn't think it had behaved incorrectly. And on this basis she thought it didn't have to do anything further to sort this complaint out.

MKDP accepted this. Mr B did not. He reiterated he wanted to see the deed of assignment between the original debt owner and MKDP so he could be certain that MKDP was entitled to ask him to pay the debt. He also objected as he said he could not read the signature on a letter from MKDP, it used different trading names and there was no reference on the letter. He suggested this made him "*suspicious*" about who he was being asked to deal with.

Mr B asked that an ombudsman review his complaint.

## **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've finished my review of Mr B's complaint. I think MKDP has acted reasonably and don't think it would be fair to ask it to do anything more. I realise that Mr B may well find this result disappointing. It's not my intention to upset him. I explain why I've come to this decision below. I hope this explanation will set his mind at rest about the points that were causing him concern.

### *it seems likely that Mr B owes the debt*

When Mr B first complained to us he told us he'd had a debt with the original debt owner. But he was more or less certain he'd paid it off. He said he might have some relevant paperwork to show this. But it was stored in someone else's house so he didn't have immediate access to it but he'd try and find it. He said it would take around a week. This was some months ago. He's not provided information to show he's paid off the debt.

MKDP has provided records to show that the debt was not paid off when Mr B suggested.

So I've got two different versions of what might have happened here which means I've got to base my decision on what I think is most likely. In the circumstances I think if Mr B had paid off this substantial sum there'd be an audit trail. I'd expect, even if he didn't have records, he'd still be able to tell us which account he might have paid the debt from and we could have contacted the account provider. Given the timescales we are talking about that account provider would most likely still have had the relevant records. This would have helped support Mr B's case. Further I see no reason why MKDP's records would be inaccurate on this point.

So it follows I think it's more likely than not that Mr B did not pay off the debt as he thought he had.

### *it seems Mr B now has the document that shows MKDP owns the debt*

I can well understand why Mr B wants to make sure that MKDP is the debt owner. He would not want to pay it and then find someone else comes along afterwards and chases him for the same debt.

Mr B now has the relevant notice of assignment. And MKDP's records show he was also sent this notice when the debt was sold. I think that's sufficient to show that MKDP now owns the debt which was Mr B's concern. It's not clear why he also wants to see the deed of assignment which is a private document between MKDP and the original debt owner. It's also not clear why he thinks he has a right to see it. But I think the point is Mr B is entitled to ask for information to show MKDP owns the debt and now he's got it. Hopefully this will put his mind at rest.

*it does not appear that MKDP has acted inappropriately*

I've looked at the correspondence between MKDP and Mr B. It has certainly been consistent in requesting that Mr B pay up. But I've seen nothing in the content or the tone of that correspondence that suggests it acted inappropriately. And I think it was reasonable for MKDP to contact Mr B to ask him to pay the debt he owes.

That said, if Mr B is experiencing financial difficulties and it seems he may well be, then MKDP should treat him in a positive and sympathetic manner. Mr B might want to contact MKDP directly to see what assistance - if any - it can offer him.

### **my final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 21 October 2015.

Joyce Gordon  
**ombudsman**