

complaint

Mr B complains that ARC (Europe) Ltd shouldn't have contacted him about a debt he didn't owe.

background

Mr B was in dialogue with a company who I'll call P, to whom he owed a debt. On 17 January 2017, P passed the debt to ARC for collection. Following the conversations Mr B had with P, they agreed to waive the debt as a goodwill gesture. But P didn't let ARC know this. Amongst other things, P compensated Mr B for the trouble and upset caused by passing the debt to ARC.

ARC contacted Mr B by telephone on 23 January 2017. Mr B complained in writing on the same day. He says ARC was wrong to contact him. And in doing so they caused him personal injury. Mr B felt the telephone calls were threatening. Mr B says he received no response to his letter. So he brought his complaint to this service.

Our adjudicator found ARC had sent a final response letter on 30 January 2017. In summary, ARC told Mr B the debt was passed to them in January 2017 and so it was authorised to contact him. ARC went on to say it couldn't see that any of its actions caused him personal injury. A copy of this letter has been sent to Mr B by the adjudicator.

The adjudicator considered ARC acted legitimately in contacting Mr B because at the time, it reasonably believed he owed a debt to P. She felt ARC hadn't been threatening to Mr B during their telephone conversations. And it hadn't caused him personal injury.

The adjudicator noted ARC hadn't responded to Mr B's letter sent in July. Whilst acknowledging this wasn't good customer service, she didn't think it warranted compensation.

Mr B was unhappy with the adjudicator's view. He asked for it to be reviewed by an ombudsman. And he asked for compensation for postal costs.

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 agree with the adjudicator's view and for broadly the same reasons. I'll explain why.

I can understand Mr B's frustration at being pursued for a debt that was ultimately waived. And I'm sorry he felt he needed to complain to this service. But at the time of contacting him, on 23 January, ARC had good reason to believe the debt was outstanding. I can see P didn't update ARC until 24 January. So, I feel ARC weren't unreasonable by contacting Mr B when they did.

Mr B says his letters weren't responded to. But, I can see ARC says it acknowledged all of his letters. A final response letter was sent on 30 January. On balance, I feel ARC have responded to Mr B appropriately. And I don't feel they need to do anything further.

I appreciate Mr B felt threatened by being approached by ARC about a debt he no longer owed. But having listened to the telephone conversations, I feel overall, the ARC advisers were polite and professional. And I don't think ARC behaved in a threatening manner. I also don't feel that ARC caused Mr B personal injury by contacting him or by what they said.

Mr B has asked to be refunded for his postal costs. It's noted Mr B was compensated by P for referring the debt to ARC. And not all of his letters relate to the debt collection matter. Taking all of this into account, I don't think it would be fair to ask ARC to refund Mr B for his postal costs.

I know this will be disappointing news for Mr B but I hope I've explained the reasons for my decision clearly.

my final decision

My final decision is I'm not upholding the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 26 February 2018.

Yolande McLeod
ombudsman