

The complaint

Mr H's complaint is about a car he has been financing through an agreement with RCI Financial Services Limited, trading as Nissan Finance ("Nissan"). He says the vehicle identification was incorrect.

Whilst I understand Mr H has been represented throughout this complaint I will refer to Mr H in this decision as his is the name on the finance agreement.

The details of this complaint are well known to both parties so I won't repeat them again here. Instead I'll focus on giving my reasons for my decision.

My findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I agree with the conclusions reached by the investigator.

The investigator had suggested that to resolve the complaint Nissan should pay Mr H £300 in respect of the distress and inconvenience he'd experienced. He also suggested that they should work with the DVLA to ensure the vehicle identification issue was resolved.

The complaint has moved on a little since the investigator provided his view. The term of the contract has been completed; the car has been returned and the vehicle identification issue resolved.

So I've considered whether the £300 compensation suggested by the investigator is sufficient and I think it is. It's clear Mr H was inconvenienced by the problem and I can see that there was a lack of clarity about what the business were doing about the car's registration. The DVLA's position and the dealership's position were at odds and Mr H was stuck in the middle through no fault of his own and understandably concerned about his insurance and problems he may have if he had to prove he was the rightful custodian of the car. But for the first three years of ownership he wasn't aware that there was a vehicle identification issue and it was clearly resolved by the end of the final fourth year of his contract. I can also see that whilst Mr H didn't have the car he was provided with a courtesy car of a higher specification and that the insurance was looked after by the dealership. So I think the level of compensation suggested is about right.

But I don't think it would have been reasonable to ask the business to reject the car as it was functioning correctly and it seems clear the business did fulfil the contract they had with Mr H.

My final decision

My final decision is that this complaint should be upheld. In order to resolve Mr H's complaint, RCI Financial Services Limited should pay him £300 to compensate him for the distress and inconvenience he experienced.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 22 August 2020.

Phil McMahon
ombudsman