

complaint

Mr C complains about the actions of BW Legal Services Limited ("BWL") in seeking to recover a debt from him on behalf of a client.

background

Mr C says BWL shouldn't be chasing him for the debt while his complaint about the original lending is being considered. And he says it's used threatening methods to pursue the debt.

BWL says Mr C took the loan on 20 August 2013 with an original balance of £127.99. It says as a result of no payments being made towards the loan a default notice was issued on 31 October 2013 by the original creditor. It says the debt was assigned to its client on 9 December 2016. And it says it received instructions to pursue the outstanding balance on 28 December 2016.

BWL also says it rejects Mr C's complaint that it's sent him threatening text messages. It says in the absence of a response to a letter it sent him about the debt on 15 February 2017, it sent him SMS messages asking him to contact it about his account. And it says its actions in pursuing the debt have been entirely reasonable.

In addition, BWL says its client is willing to set an affordable payment arrangement, based on Mr C's financial circumstances.

Our investigator thought Mr C's complaint shouldn't be upheld.

Mr C disagreed with the investigator's conclusions, so the matter's been referred to me to make a final 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.

I've decided not to uphold Mr C's complaint and I'll explain why.

I've seen information showing the debt BWL's pursuing was sold to its client in December 2016. So, I don't think BWL's done anything wrong in contacting Mr C about the debt.

I've reviewed a timeline of the contact BWL's made with Mr C since its client acquired the debt. I've also reviewed the correspondence and text messages it's sent him. And I haven't seen anything that would lead me to conclude any of those communications have been threatening or in any way inappropriate.

I see Mr C's recently told us he thinks the debt is statute barred. But that wasn't part of his original complaint, so BWL hasn't had an opportunity to respond in relation to this issue. The information I've seen indicates the loan was taken out in 2013 and I haven't seen anything suggesting it's statute barred. But, in any event, that's ultimately an issue for a court to determine, if necessary.

So, for these reasons, I can't fairly and reasonably uphold Mr C's complaint.

my final decision

I don't uphold Mr C's complaint against BW Legal Services Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 29 December 2018.

Robert Collinson
ombudsman