

complaint

Mr H complains that Hoist Finance UK Limited has unlawfully registered a default on his credit file.

background

In 2014 Mr H complained to Hoist Finance UK Limited saying it had unlawfully registered a default on his credit file. Mr H disputed the debt that had been defaulted, disputed ever having received a default notice, questioned the address Hoist Finance said he lived at and questioned Hoist Finance's identity. He eventually complained to us.

Our adjudicator explained that the default had been registered by the previous owner of the debt, that the previous owner registered a default in relation to the account in 2012 and that it had sold the debt to Hoist Finance. Our adjudicator explained why the default was recorded on Mr H's credit file given this. She didn't recommend that the complaint be upheld.

Mr H said that he had been in correspondence with the previous owner in 2010, that it should have recorded a default in 2010 rather than 2012 (if at all) but that he'd never been sent a default notice. Our adjudicator offered to set up a complaint against the previous owner. Mr H said that his complaint was about an unlawful default and it had to be removed. He asked for a decision from 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'm only considering a complaint against Hoist Finance. If Mr H wants to complain about the previous owner then he needs to do that. In the meantime, I'm considering, amongst other things, whether Mr H has been unfairly defaulted. That means that the question of whether or not a default notice has ever been sent isn't the only factor I need to consider.

I'm satisfied that Mr H had a loan which was owed to the previous owner. I'm also satisfied that Mr H and the previous owner had a dispute about this debt and that the previous owner recorded a default against Mr H. The debt is now shown in Hoist Finance's name because it has bought the debt. However, it's clear from Mr H's credit file that it was the original owner who recorded a default against Mr H.

Hoist Finance was given Mr H's address as at the time he was defaulted. I accept that Mr H has moved since but I cannot say that it was Hoist Finance's mistake that it didn't have an up to date address for him.

my final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 25 September 2015.

Nicolas Atkinson
ombudsman