

complaint

Mr and Mrs G say that Yorkshire Building Society unfairly charged them for three visits by debt counsellors and they want the charges refunded.

background

Mr and Mrs G's mortgage account was in arrears and Yorkshire Building Society sent a debt counsellor to their address on three occasions between 2005 and 2007. Mr and Mrs G say they had no need for any of the visits from the debt counsellor, but the business said they couldn't refuse them.

The adjudicator didn't recommend that the complaint should be upheld. Mr and Mrs G disagreed and so the complaint has been passed to me to decide.

my findings

I've considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Mr and Mrs G have made a lot of submissions over the years about the fairness of various charges on their mortgage account. Some of these points have been answered previously and others aren't directly relevant to this complaint. I intend no discourtesy to Mr and Mrs G by not responding in as much detail as they would perhaps hope. I will not be answering every point they've raised, but instead I will focus on what I consider to be the crux of this complaint.

It's not in dispute that Mr and Mrs G fell into arrears. While Yorkshire Building Society must treat customers in arrears fairly, this doesn't mean it can't take steps to recover the arrears owed to it.

The mortgage terms agreed between Mr and Mrs G and Yorkshire Building Society included a tariff of mortgage account charges. This makes provision for charging for debt counselling visits - and, in 2006 and 2007, for the administration of the arranging of the visits - arising from any failure by the borrower to comply with the mortgage agreement.

Whilst Mr and Mrs G may have felt the visits were unnecessary, Yorkshire Building Society didn't agree. When dealing with financial difficulties it's important that a business gets a clear understanding of its customers' situation, and debt counselling visits can be a way of obtaining this. I don't think it was unreasonable for the business to have instructed a debt counsellor to visit Mr and Mrs G at home on the three occasions it did. And I don't consider that the debt counselling - and administration - charges have been applied unfairly, given the extent of the work undertaken by the business and the debt counsellor. For that reason I don't consider they should be refunded.

my final decision

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

Under the rules of the Financial Ombudsman Service, I am required to ask Mr and Mrs G to accept or reject my decision before 25 March 2015.

Julia Chapman
ombudsman