

## **complaint**

Mr C complains that MKDP LLP is pursuing him for a debt he does not owe. He also complains that it has wrongly registered a default on his credit file.

## **background**

Mr C's debt was previously owned by a third party bank. Mr C said he was in dispute with this bank because he said an unknown third party ran up this debt not him.

MKDP LLP said that the third party bank defaulted the account, not it, when Mr C failed to make payments to it. It said it then purchased the debt from the third party bank.

Our adjudicator did not recommend that the complaint should be upheld. She was satisfied that if Mr C wished to dispute the validity of the debt he had the opportunity to do so with the third party bank but it appears that he did not follow this through. Therefore, she was satisfied that in the circumstances MKDP LLP had not made a mistake in pursuing him for the debt. Further she considered it was not possible to ask MKDP LLP to remove the default registration as only the third party bank could do this.

MKDP LLP accepted this recommendation. Mr C did not. He reiterated his previous stance. He particularly emphasised he did not consider it is fair that he should be pursued for a debt that he maintained is not his.

## **my findings**

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

*I cannot look into whether Mr C was defrauded as part of this complaint*

I realise that Mr C considers that the crux of this case is whether or not a person or persons unknown ran up the debt on his account. But I disagree. Rather I consider that this case is about whether the debt that he owes has been treated correctly by MKDP LLP. I say this because on the face of it the debt is his. If he considers the debt was not his then it was open to him to raise this issue and pursue it with the original debt owner but it appears he did not do this. On this basis the third party bank says it closed the complaint and assumed Mr C was agreeing the debt was his. So in the circumstances I cannot fairly treat the debt as if it did not belong to Mr C.

*the business has not made a mistake in pursuing Mr C for the debt*

MKDP LLP's records show it bought the debt off the third party bank. I am satisfied that under the relevant terms and conditions the third party was entitled to sell the debt. When Mr C disputed the debt with it, MKDP LLP's records show it asked the third party bank about this and asked it what was going on. The third party bank in response confirmed the position - that is, that it considers that Mr C legitimately owes the debt and that Mr C failed to pursue his earlier complaint with it. So, in the circumstances, I consider MKDP LLP has done nothing wrong in pursuing Mr C for the debt. It follows I do not uphold this part of the complaint.

*there is no proper basis to ask MKDP LLP to remove the default information on Mr C's credit file*

Mr C says that the default should be removed from his credit file. But the information I have seen indicates that it was the third party bank not MKDP LLP who registered this default. Further it would appear that Mr C stopped making payments to his accounts after June 2011 so it appears that the default reflects the true position on the account. For all these reasons I have no proper basis to ask MKDP LLP to seek to assist Mr C to get the default information removed from his credit file.

**my final decision**

My final decision is that I do not uphold the complaint.

Joyce Gordon  
**ombudsman**