

## **complaint**

Mrs C complains about her experience after requesting the return of the deeds to her property from National Westminster Bank Plc.

## **background**

Mrs C first took out a mortgage with NatWest in 2009. This was redeemed in 2010. Mrs C took out a buy-to-let mortgage secured on the same property also in 2010. That mortgage was redeemed in 2018.

When Mrs C complained to the bank it said that the charge had been cancelled in 2010. And that at that time it had written to her solicitors to confirm it didn't hold any pre-registration deeds or documents. It went on to confuse two similar sounding place names and said the incorrect place name branch hadn't ever held items for safe custody. In its final response letter it acknowledged it had provided poor customer service and paid £100 compensation. In her first view the adjudicator said she didn't think NatWest had the deeds when Mrs C asked for them. She acknowledged the sentimental value Mrs C placed on the deeds. But thought the £100 the bank had paid was fair. She thought the bank should replace the deeds with modern day equivalents.

NatWest rejected the view as it said it never held the deeds. Mrs C also rejected the view as she wanted to know what NatWest did with her deeds. She thought the compensation paid was pitiful.

The adjudicator issued a second view. She said she thought NatWest did have Mrs C's deeds as she believed what Mrs C had told her. Therefore she thought it would be fair for NatWest to reimburse Mrs C the cost of replacing her deeds with modern day equivalents. She was sorry she hadn't been able to provide Mrs C with an explanation of what happened to her deeds. But she thought the £100 compensation paid for poor customer service was fair.

The bank accepted the second view. Mrs C asked for an ombudsman's decision.

## **my provisional decision**

I didn't agree with the adjudicator's view and so I made a provisional decision.

I said I could appreciate the strength of feeling Mrs C had. The pre-registration deeds are for a property which had considerable significance to her family. If I had thought the bank had lost these deeds I would have been looking to increase the compensation awarded to try to compensate her for the distress the loss had caused.

I didn't, however, think the bank ever had any of the pre-registration deeds and documents. The evidence I have seen suggests that it didn't hold these documents when the first charge was applied to the property in 2009 or when it was later released in 2010. And I could see no reason why it would have obtained them later that year when Mrs C entered into a buy-to-let mortgage. It wouldn't have been standard practice at the time either charge was applied to hold these documents and Mrs C's solicitors aren't able to provide any evidence that they sent these documents to the bank.

I thought the bank had handled the complaint very poorly. It had confused place names and ignored the fact that it had lent money secured on the property more than once. I could imagine that this didn't give Mrs C much confidence that it has looked for her documents properly. But overall - given I have found it didn't ever have the pre-registration deeds and documents - I thought the £100 compensation for poor service was fair.

**responses to my provisional decision.**

The bank said it wasn't offering any further evidence or comment following my provisional decision.

Mrs C didn't respond to it.

**my findings**

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

As neither party as offered anything new for me to consider I don't see any reason to depart from my provisional decision and I confirm it here.

**my final decision**

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 6 July 2019.

My decision is that I do not uphold this complaint as I think the compensation National Westminster Bank Plc has already paid is fair.

Nicola Wood  
**ombudsman**