

## **complaint**

Mr J has complained NewDay Cards Ltd, trading as Aqua, defaulted his credit card account even though he had made an arrangement with them to pay this debt.

## **background**

When Mr J found he wasn't able to pay back what he owed on his Aqua credit card, he contacted them to make an arrangement to repay what he could. He agreed with them he'd pay £1 a month. They wrote to him confirming those arrangements. They also let him know they may decide to send him a default notice as he was paying less than was formally owed.

In January 2015 Aqua wrote to Mr J enclosing a default notice. He complained to them as he felt this was unfair as he'd made arrangements to make payments. Aqua felt they'd done nothing wrong. So Mr J brought his complaint to the ombudsman service.

Our adjudicator told Mr J he agreed Aqua had done nothing wrong. Mr J remained unhappy and has asked an ombudsman to review his complaint.

## **my findings**

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

Mr J is upset Aqua could still default him even though he'd made arrangements to repay the debt. He doesn't think this is fair and he's told us he was advised this was unfair too. Unfortunately I don't agree. Aqua has done nothing wrong and I believe they've acted fairly in the circumstances.

As soon as Mr J made arrangements with Aqua to pay his debt gradually, they wrote to him and told him a default remained a possibility. They said this was because he was paying less than the minimum due on the account. They were right to tell him they've got an obligation to report correct data. It's true to say they didn't have to default him but they've not done anything wrong by doing what they did.

I did review Mr J's statements and I can see Aqua stopped charging interest and fees as soon as they agreed with him what he was to repay. That's exactly what I'd expect.

## **my final decision**

For the reasons I've given, my final decision is not to uphold Mr J's complaint against NewDay Cards Ltd, trading as Aqua.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 30 November 2015.

Sandra Quinn  
**ombudsman**