

## **complaint**

Ms H complains that Vanquis Bank Limited will not refund to her the money that she paid for a holiday. Her complaint is made against Vanquis Bank under section 75 of the Consumer Credit Act 1974. She also complains about the customer service that she has received from Vanquis Bank.

## **background**

Ms H used her Vanquis Bank credit card to pay for an overseas holiday that she took in August and September 2014. She complained to the holiday company, and then to Vanquis Bank under section 75, about various issues concerning the holiday, including that she had been assaulted, robbed and sexually harassed and had suffered food poisoning, a sub-standard room and on-going building works. She was not satisfied with Vanquis Bank's response so complained to this service.

The adjudicator did not recommend that this complaint should be upheld. He concluded that Ms H had not provided evidence to support her claims and that Vanquis Bank had made it clear what evidence it required to uphold the complaint and that its requests were not unreasonable.

Ms H has asked for her complaint to be considered by an ombudsman. She says that she has provided evidence to Vanquis Bank to support her claim.

## **my findings**

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

In certain circumstances, section 75 gives a consumer an equal right to claim against the supplier of goods or services or the provider of credit if there has been a breach of contract or misrepresentation by the supplier. To be able to uphold Ms H's complaint about Vanquis Bank under section 75, I must be satisfied that there has been a breach of contract or misrepresentation by the holiday company.

Ms H has provided a detailed explanation of the issues that she experienced when she was on holiday. However, she has not provided any other evidence to show that the information that she has included in her explanation is correct. To be able to uphold her complaint I would need to see evidence such as police reports for the assault, robbery and sexual harassment, medical evidence of the food poisoning, photos or other evidence to show that the room was sub-standard and that there were building works and I would need to be persuaded that those issues were caused because of breaches of contract or misrepresentations by the holiday company.

In the absence of that information, I am unable to uphold this complaint. I consider that Vanquis Bank's requests for that evidence have not been unreasonable and I am not persuaded that it has provided unacceptable customer service to Ms H. For these reasons, I do not consider that it would be fair or reasonable for me to require Vanquis Bank to refund to Ms H under section 75 any of the money that she paid for the holiday or to pay her any other compensation.

**my final decision**

My decision is therefore that I do not uphold Ms H's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Ms H to accept or reject my decision before 1 June 2015.

Jarrold Hastings  
**ombudsman**