

### **complaint**

Mr O complains that Blair, Oliver And Scott Limited is pursuing him for a debt owed by a third party.

### **our initial conclusions**

Our adjudicator did not uphold the complaint. She concluded that the loan was taken out jointly by Mr O and the third party therefore Mr O was jointly and severally liable for the debt. As such, she was satisfied that Blair, Oliver and Scott is entitled to ask Mr O to repay the debt.

### **my final decision**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I do not uphold the complaint.

A fixed-sum loan was taken out in October 2009. The loan agreement is clearly in joint names: those of Mr O and a third party. Mr O says that he only agreed to act as guarantor for the loan. He also says that he did not sign the loan agreement. The third party stopped making repayments to the loan therefore the lender looked to recover the outstanding sum from Mr O. Blair, Oliver and Scott is a debt collection agent acting on behalf of the lender. Mr O believes it is unfair for it to try to recover the debt from him.

I issued a final decision on Mr O's related complaint against the lender. In it, I explained why I was satisfied that Mr O is liable for the debt. Given this, I find no reason why Blair, Oliver and Scott should not try to recover the debt from Mr O.

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

**Under the rules of the Financial Ombudsman Service, I am required to ask Mr O either to accept or reject my decision before 14 January 2014.**

*Simon Begley*

*ombudsman at the Financial Ombudsman Service*

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

#### **ombudsman notes**

Mr O is under no obligation to accept my decision; if he does not, he remains free to pursue the matter in other ways, such as through the courts.

#### **what is a final decision?**

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

#### **what happens next?**

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.