

summary of complaint

Mr R complains that Cabot Financial (Europe) Limited is pursuing him for a debt he does not owe.

our initial conclusions

Our adjudicator recommended that the complaint should be upheld. She considered that Cabot Financial had not demonstrated that Mr R had opened the account. On this basis she considered that it should stop pursuing Mr R for the outstanding debt - £3,237.97, and pay him £100 as compensation for distress and inconvenience.

Mr R accepted this recommendation. Cabot Financial did not. It said, in summary, it had information that indicates that Mr R did not leave the address which is connected with the debt until two years after he said he had moved. It acknowledged that the name of the person who applied for the account did not match Mr R's name. It also acknowledged that the date of birth of the person who applied for the account did not match Mr R's. It said it realised the mother's maiden name of the person who applied to the account did not match Mr R's mother's maiden name. But, it said, regardless of these "*discrepancies*" it still maintains that Mr R is liable for the debt. Cabot Financial said that there was payment into the account of £2,000 which was subsequently withdrawn which appeared to be linked to Mr R.

Cabot Financial asked that an ombudsman review the complaint.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Where necessary and/or appropriate, I reach my decision on the balance of probabilities - in other words, what I consider is most likely to have happened in the light of the evidence that is available and the wider surrounding circumstances.

It is not disputed that the person who opened the account gave surname, date of birth and mother's maiden name details which did not match those of Mr R.

Cabot Financial has not provided persuasive information about why the surname, the date of birth or the debtor's mother's maiden name would be different from Mr R's. On balance, I consider that these details would have been checked by the original credit provider at the time the application was made. If Mr R had applied for the account I consider it is likely that the original credit provider would have queried these issues with him and would not have agreed the application unless these discrepancies were explained and put right at the time.

It is clear that Mr R did live at the address provided in the application for a year. But he tells us he left this address in 2005. He has provided information relating to the ending of his lease which suggests that he did leave this address in 2005. Although Cabot Financial says its information shows Mr R continued to live at the address until 2007, I find Mr R's information more persuasive as it was created by two independent third parties.

We have asked a third party financial business to provide us with information about the payment of £2,000 that it appears it made to the account and then withdrew. The third party financial business has told us that this payment was not made to Mr R.

In the circumstances, I am not persuaded that Mr R is responsible for this debt. I do not consider that Cabot Financial has behaved reasonably in pursuing him for it.

For these reasons I uphold the complaint and I consider that Cabot Financial should cease pursuing Mr R for the debt. It should also remove any adverse information it has registered on Mr R's credit file in relation to this debt.

distress and inconvenience

I am persuaded that, in pursuing Mr R for a debt that I consider he does not owe, it is likely that Cabot Financial has caused Mr R to experience distress and inconvenience. So I consider it should pay him £100 for this.

my final decision

My final decision is that Cabot Financial (Europe) Limited should:

- Stop pursuing Mr R for the full amount of the outstanding debt in relation to this account - £3,237.97.
- Remove any adverse information it has registered with the credit reference agencies about this debt on his credit file.
- Pay Mr R £100 for distress and inconvenience.

Joyce Gordon
ombudsman