

complaint

Mrs C complains that Capquest Debt Recovery Limited is pursuing her for a debt she doesn't think she owes.

background

Mrs C complained to CDR about this matter. And, being unhappy with its response, she complained to this service.

Our investigator thought Mrs C's complaint shouldn't be upheld.

Mrs C disagreed with the investigator's conclusions. So, the matter's been referred to me to make a final decision.

my findings

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

I've decided not to uphold Mrs C's complaint and I'll explain why.

Mrs C says she disputes the debt CDR's pursuing her for. She says she thinks it's time barred because she hasn't had any yearly statements from CDR and she doesn't remember any contact with it for over six years. And she says CDR hasn't been able to give her a copy of her signed credit agreement or any evidence of the payments it says she made.

Mrs C also says she has her bank statements from June 2011 onwards and she definitely hasn't made any payment in respect of this debt. And she says she couldn't work out the total figure CDR said she owed, as she couldn't remember owing that much and she thought she'd paid it and that after so long it was barred anyway.

CDR says Mrs C originally opened the account with a store catalogue in 2005. It says the account defaulted in 2009 and was sold to it in 2010. And it says it had a conversation with Mrs C in December 2010 and she explained she couldn't pay the full balance.

CDR also says a payment plan was set up and Mrs C made payments of £15 per month from 12 December 2010 until 6 June 2011. It says it sent correspondence to Mrs C between 2010 and 2017. And it says it sent text messages to her mobile phone in 2016.

So, CDR says Mrs C owes it this debt and it's entitled to pursue her for it.

I've seen evidence of the correspondence and text messages CDR's referred to and I'm satisfied they were sent to Mrs C's current address and her current mobile phone number. I've also seen a reconstituted copy of her credit agreement and I've seen evidence Mrs C made payments to CDR between December 2010 and June 2011. And from what I've seen it appears CDR began legal proceedings to recover the debt less than six years after the last payment Mrs C made.

Based on the information I've referred to, I'm satisfied the debt CDR's pursuing is owed by Mrs C. So, for these reasons, I don't think CDR's done anything wrong. And I can't uphold Mrs C's complaint.

my final decision

I don't uphold Mrs C's complaint against Capquest Debt Recovery Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 14 December 2017.

Robert Collinson
ombudsman