

complaint

Mr D complains that Welcome Financial Services Limited is trying to collect the outstanding balance on a loan. He says that there is no evidence to say that this debt is his and that the debt is in any event statute barred.

background

In September 2005 a loan for £1,500 plus £536.16 for payment protection insurance (PPI) plus fees of £75 added to the loan amount was taken out in Mr D's name at his parents' address.

A small number of payments were made on the loan up to 2007. However, payments then stopped and the loan was subsequently transferred to an external debt collection agency.

In 2011 Mr D complained to Welcome Financial that the PPI was missold, and was awarded a sum of £999.41 by the Financial Services Compensation Scheme. This was applied to his account to reduce the arrears.

Mr D says that he did not make the payments to the loan account. He also says that the debt was statute barred when he made the PPI claim, and that making the claim does not change that status.

Our adjudicator did not uphold the complaint. She was persuaded by the evidence she had seen that Mr D acknowledged the debt in 2011 when he made the PPI claim and accepted liability to repay it.

Mr D does not agree for the reasons he had previously given. He wants Welcome Financial to stop pursuing him for the debt.

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 the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

Mr D says that he cannot remember whether he took out the loan, and did not make any payments on it. However, the personal loan statement provided by Welcome Finance, which is addressed to Mr D at his parents' address, shows payments being made between 2005 and 2007. Having carefully considered all the information supplied to me, I am satisfied that these payments are most likely to have been made by Mr D. I am also satisfied that the claim for PPI misselling submitted by Mr D constitutes an acknowledgement of the loan at that date.

Mr D says that the debt is statute barred. However, this is not an issue for me as it is something that the courts must decide.

my final decision

My final decision is that I do not uphold this complaint.

Alison Cribbs
ombudsman