

## **complaint**

Miss R says that Bank of Scotland plc trading as Halifax is treating her unfairly as it will not accept the reduced payments on her mortgage that she can afford.

## **background**

Miss R has a mortgage with Halifax which is in arrears and she cannot afford the contractual monthly payments. She would like Halifax to accept payments of the interest and £50 per month. But Halifax refused and is bringing repossession proceedings.

Our adjudicator did not recommend that this complaint should be upheld as Halifax did not act unreasonably. Miss R disagreed saying in summary that no one in Halifax was listening and trying to resolve her problem.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Miss R has a repayment mortgage. She is in the unfortunate position that this mortgage is in arrears and those arrears are increasing. Miss R brings the complaint because Halifax won't accept her offer to pay the interest on the mortgage plus £50 per month. Furthermore she says that Halifax continues to raise charges which makes the situation worse.

Our adjudicator has pointed out that Halifax has to be positive and sympathetic in dealing with Miss R's situation. Halifax says that although the arrears continued to increase on the account for a while it stopped collections activity. The problem, it says, is that Miss R's offer to pay £473.50 per month is £373.71 less than the contractual monthly payments. This means that the arrears on the account will increase which Halifax does not consider acceptable. It says that as it resumed collections activity, it is entitled to raise charges in line with the tariff of charges Miss R agreed to when she took out the mortgage. Halifax agrees that there have been communication difficulties and refunded Miss R £150.

I have a great deal of sympathy with Miss R and she has not being helped by the communication difficulties with Halifax. However, Halifax very clearly sets out why it finds Miss R's offer of reduced payments unacceptable as it would only increase her financial problems rather than ease them. I do not consider that unreasonable. Halifax has given Miss R some breathing space when it stopped collections activity for a period and is entitled to raise charges in accordance with its tariff of charges. As a result I cannot fairly uphold this complaint.

## **my final decision**

My decision is that I do not uphold this complaint. Under the rules of the Financial Ombudsman Service, I am required to ask Miss R to accept or reject my decision before 13 March 2015.

Gerard McManus  
**ombudsman**