

## **complaint**

Mr J says he's being pursued by Intrum UK Limited ("Intrum") for a debt he's already paid.

## **background**

Mr J's loan was initially with another business but was purchased by Intrum in 2003. In 2009 Intrum served a bankruptcy petition on Mr J through its solicitors but the proceedings were halted when Mr J agreed to a charge on his property and a monthly payment plan. Some payments were made to the solicitors and then to Intrum, until December 2015. The outstanding balance at this point was almost £5,200. In February 2018 Intrum were told by their solicitors that Mr J was claiming he'd made all remaining payments directly to Intrum and was now saying the debt was paid in full.

But Intrum disagreed. In their final response to Mr J in April 2018, when the debt had reduced to just over £3,000, they said they hadn't received these payments.

Mr J says he made these payments through another company ("company C") and he provided accounts to show that was the case. But Intrum said these payments were made to another account, they'd bought, that was a debt Mr J had with another company. But Mr J disagreed and therefore referred his complaint to this service.

Our investigator took a look at the information available but couldn't find any evidence the payments were allocated to the debt Mr J was complaining about. He agreed with Intrum that the payments Mr J referred to were probably the ones Mr J was making to the other account Intrum had purchased: the account that was now settled. He said that if Mr J believed company C were collecting payments on behalf of Intrum for this debt he should take that up with company C.

But Mr J disagreed. He didn't agree that there was ever a charge on his property and he said the PPI payments that were on his account should also be removed. He asked for a final decision by an ombudsman.

## **my findings**

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

There are strict time limits for making a complaint. Mr J needs to bring his complaint within six years of the issue he's complaining about or if later than this, within 3 years of him becoming aware he had cause for complaint.

So there's a part of Mr J's complaint I'm not able to look at. He disputes the charge made on his property but as that charge was made 9 years ago I have no jurisdiction to consider it.

Whilst some of the payments Mr J says he made to the account were made more than six years ago. He tells me he wasn't aware these weren't being paid into his account until February 2018 when he advised Intrum's solicitors that he thought he'd settled the debt. I think it's reasonable to consider this was the first time he'd become aware of the issue. I say that because I can understand Intrum's change of name and their purchase of different accounts owned by Mr J, may have been confusing. So I'll consider the payments into his account and whether those payments were sufficient to settle it.

I know it's not the answer Mr J was hoping for but I agree with the investigator's view and for similar reasons. Please let me explain why.

Where the information I've got is incomplete, unclear or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

I'm afraid there's no evidence that the payments Mr J says he made to Intrum related to the account they'd purchased in 2003 and in relation to which they appear to have placed a charge on his property in 2009.

Intrum have explained that these payments that Mr J paid through company C, were likely to be paid against another debt they'd purchased. They have provided evidence that the payments they note on Mr J's account regarding this other debt are the same as the payments he's made to company C who paid that debt on his behalf.

So I'm persuaded that the payments Mr J thought he was making to his account were being made to another and I don't think Intrum need to take any further action.

I note that Mr J also makes a complaint about PPI related to this loan. I can see that complaint has been split off and is being reviewed separately. So I'll make no comment about that.

### **my final decision**

For the reasons I've given above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 12 November 2018.

Phil McMahon  
**ombudsman**