

complaint

Mr H complains that MKDP LLP continued to contact him for repayment of a debt which was in dispute and when it had told him it would suspend its collection activities.

background

MKDP bought the debt from a third party. Mr H brought a complaint about the administration of the debt by the third party to this Service. He rejected the ombudsman's final decision on that complaint and he referred it to the Information Commissioner's Office (ICO). MKDP agreed to suspend its collection activity, but then sent Mr H a letter chasing for repayment of the debt and a notice of intended legal action.

The adjudicator did not recommend that the complaint should be upheld. She concluded that there was no dispute over the amount owed so it wasn't unreasonable for MKDP to write to Mr H seeking repayment of the debt. She thought MKDP had apologised for sending letters by mistake and that, in the circumstances, it was not obliged to pay any compensation.

Mr H did not agree and asked for his complaint to be reviewed 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.

MKDP said it was unaware of a dispute between Mr H and the original lender and asked Mr H for more information. It agreed to suspend its collections activity for 16 days while it waited for the information. But during this period it sent a letter chasing for repayment of the debt and a notice of intended legal action. When Mr H complained, MKDP accepted the two letters had been sent by mistake while the account should have been on hold and it apologised. I am satisfied that it replied quickly to Mr H's complaint and, whilst I don't underestimate the upset the letters caused, I consider an apology was appropriate. I don't find that its mistake led to any financial loss for which Mr H should be compensated.

A final decision on Mr H's complaint against the original lender was issued by this Service last year. Mr H does not appear to have disputed that he owes the amount that MKDP is trying to collect from him. In the circumstances, I don't find it is unreasonable for MKDP to continue with its collection activity.

my final decision

For the reasons I have explained, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 29 December 2015.

Elizabeth Dawes
ombudsman