

## **complaint**

Mr S complains that Lowell Financial Ltd (the business) is pursuing him for a debt he disputes.

## **background**

Mr S says that the disputed debt was from over five years ago. He says that the original debt provider took his payment books saying it needed them for audit purposes but never returned them. Mr S says he contacted the original debt provider about this but his books were not returned.

The business says that it purchased Mr S' debt in August 2014 and that the debt relates to three agreements. It says that the debt is not statute barred as the previous debt owner confirmed that the last payment was made in October 2013.

The business says that the previous debt owner said that Mr S had not told it of any financial difficulties before the debt was sold. It says it acquired the debt in good faith on the understanding it was collectable. It says it believes, based on the detail it has, that the debt balance is correct and valid.

The adjudicator did not uphold this complaint. She said that the previous owner of the debt had advised that the last payment was made within the past six years and so it would appear that the debt was not statute barred. She said that Mr S had not provided any evidence to show his balance had been cleared or to support his comments that the debt was no longer owed. Because of this she said it was reasonable that the business was pursuing Mr S for the recovery of the debt.

Mr S did not accept the adjudicator's view. He said the previous owner of the debt had taken his payment books and not returned them despite his letters and calls.

## **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 understand Mr S' comments about his payment books being taken from him and not returned. However, I have to consider, based on the evidence provided, whether the business has done anything wrong by pursuing Mr S for the debt.

The business has confirmed that it acquired the debt from the original debt provider. I have seen copies of the three agreements entered into by Mr S and it is not disputed that the loans set out in the agreements were provided.

I appreciate Mr S' comments about the payments he has made and the missing payment books. However, I do not have any evidence to show that the debt has been cleared or that the balance being pursued is incorrect.

I accept that the business acquired the debt believing the balance to be correct and collectable.

I accept that Mr S last made a payment in 2013 which is less than six years ago and so it appears that the debts are not statute barred.

While I understand Mr S' frustration in regard to this issue, I do not have any evidence to suggest that the balance the business is pursuing him for is incorrect.

Based on the evidence provided I do not find I can uphold this complaint.

**my final decision**

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 S to accept or reject my decision before 28 December 2016.

Jane Archer  
**ombudsman**