

## **complaint**

Miss D complains that Santander UK Plc is seeking repayment of a loan she has previously repaid. She also complains that the bank placed an adverse notice on her credit file.

## **background**

In 2004 Miss D took out a loan with Cahoot, which is now owned by Santander. In 2008 she contacted a debt management company to help deal with her finances. A repayment plan was agreed with the bank and Miss D made regular monthly payments to reduce the loan. The bank says those payments stopped in early 2011. In 2013 the bank passed the debt of over £7,000 to a debt recovery agency. Following contact from the agency Miss D told Santander she had repaid the loan in 2011.

The bank says it can find no record of the debt being repaid. The debt management company says its records show that in 2011 Miss D asked for details of the Cahoot balance so she could repay it. In a phone call to the debt management company in 2011 she said she would be repaying her debts and the company's file was closed. Miss D had repaid other debts through the debt management company in 2011. She has provided details of money being paid into a Santander account which she says was to be used to repay the loan. However, the bank's records show most of that money was moved to another bank account several months later.

The adjudicator did not recommend that this complaint be upheld. He wasn't persuaded on the evidence that the loan had been repaid. Miss D did not agree and asked for time to provide more information. After several months no further information has been submitted.

## **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 necessary and / or appropriate, I reach my decision on a balance of probabilities – that is, what I consider is most likely to have happened in the light of the available evidence and the wider surrounding circumstances.

From the information provided by the debt management company, Miss D was seeking to clear her debts in 2011 and she believes she did so. I have no doubt Miss D is sincere in her belief. However, she has not been able to provide details showing the loan was repaid. The bank has no record of a repayment and neither does the debt management company. Miss D had several debts with various banks and it may be that in clearing these the Cahoot loan was overlooked.

I acknowledge the bank took some time to pursue the debt, but that does not mean that the loan had been repaid. On balance, and in the absence of any evidence to the contrary, I cannot conclude that the bank has made an error.

## **my final decision**

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

Ivor Graham  
**ombudsman**