

complaint

Mr A considers that MKDP LLP must prove he owes it a debt or stop pursuing him for it.

our initial conclusions

Our adjudicator said that based on what he had seen the debt does belong to Mr A. Therefore he could not recommend that we should uphold the complaint.

MKDP accepted this recommendation. Mr A did not.

Mr A reiterated his previous stance. Moreover he added that MKDP should not have contacted him after he brought his complaint to this service.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Mr A says this debt is nothing to do with him and he does not owe it. MKDP says it's his debt and he should pay it back. So clearly the parties disagree with each other. Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

MKDP and the original debt owner – a third party bank – have both sent us information which links the debt to Mr A. In particular I have seen a letter from Mr A to MKPD dated March 2013 accepting the debt is his. I see no reason why Mr A would have sent this letter if he did not agree this was his debt. In the circumstances I am satisfied that the debt does belong to Mr A. It follows I do not uphold this part of his complaint.

It seems Mr A considers that MKDP should have stopped contacting him whilst we reviewed this complaint. But MKDP is not obliged to stop trying to recover the debt just because we are looking at the complaint. So I cannot fairly say MKDP did anything wrong here.

my final decision

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

Under the rules of the Financial Ombudsman Service, I am required to ask Mr A to accept or reject my decision before 24 March 2015.

Joyce Gordon
ombudsman