

complaint

Mr C complains that Lowell Portfolio I Ltd (Lowell) is wrongly chasing him for a debt and has incorrectly and unlawfully reported adverse information on his credit file.

our initial conclusions

Lowell bought Mr C's debt from the original credit provider in May 2014 and it wrote to Mr C to tell him about this. Mr C doesn't accept that Lowell has the right to chase him for the debt or report any information to the credit reference agencies.

Our adjudicator didn't recommend that the complaint should be upheld. He was satisfied that Lowell had properly purchased the debt and that it hadn't done anything wrong. Mr C didn't agree and said in summary that Lowell hasn't produced the original deed of assignment and it isn't legally entitled to chase him for the debt.

my final decision

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I have reached the same conclusions as the adjudicator for the same reasons.

Lowell has bought the debt from the original creditor and I am satisfied that this has been done properly. I don't think it is reasonable to expect Lowell to give Mr C a copy of the original information as it contains confidential and commercially sensitive information. Mr C was told about the assignment by Lowell and although he says he didn't get the letter I can't say it wasn't sent. I am satisfied that Lowell is now the owner of the debt.

I haven't seen any evidence that Mr C has paid the debt and so I think it is reasonable for Lowell to continue to chase Mr C and to record information on his credit file.

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr C either to accept or reject my decision before 22 October 2015.

Emma Boothroyd

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.