

complaint

Mr B complains that Lowell Financial Ltd is pursuing him for a debt he doesn't owe.

background

Lowell acquired a debt amounting to £767.20 from a mobile phone company in February 2016. It sent a letter of assignment to Mr B in March 2016. Shortly before this Mr B had contacted Lowell to ask for copy statements of all accounts held with the phone company.

The business wrote to Mr B on numerous occasions, but the matter remained open. Mr B complained to Lowell in September 2017 that the debt wasn't his and suggested it had been opened by somebody else using his name.

After no response was received from Mr B, Lowell sent further letters in early 2018 and it then transferred the account to its solicitors to pursue collection. It has said that in the absence of any evidence to show that the debt wasn't his it has sought to collect the monies it believes due.

Mr B's complaint was considered by one of our adjudicators who didn't recommend it be upheld. He endeavoured to seek clarification of the debt from the phone company which he shared with Mr B who has made a separate complaint against that company which is currently looking at the alleged fraud. The adjudicator also looked at evidence relating to where Mr B lived at the time the debt was incurred and this indicated that he was linked to the address shown on the agreement

Nonetheless, the adjudicator couldn't see that Lowells had done anything wrong. It had acquired a debt in good faith and hadn't been given anything which would allow it to conclude that Mr B didn't owe the money. It had sought to contact him frequently over the years and had little in the way of a response.

Mr B didn't agree and sought to provide evidence that the debt wasn't his, but despite allowing him extra time he was unable uncover such evidence.

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 have every sympathy with Mr B, but I don't consider I can conclude that Lowells has done anything wrong. The debt arose in April 2015 and it contacted Mr B in 2016 when it acquired the debt. I can see that it made frequent efforts to contact him and traced his new address and continued to write to him. However, it is only relatively recently that Mr B has challenged the debt. Regrettably that means that it is all the more difficult to establish that the debt is not Mr B's.

While I note Mr B's assertion that he didn't incur the debt, I have seen no evidence that would allow me to conclude he doesn't owe the money. That is not to say that there is no evidence; it is just that after many years Mr B has not been able to demonstrate the debt is not his.

The matter is being investigated by the fraud department of the phone company and it may be that it uncovers something that supports Mr B's claims, but that doesn't mean that Lowells has done anything wrong. I cannot direct it to stop its pursuit of this debt, not least in the light of Mr B's lack of engagement over the years, but it might be prudent to defer action while the phone company investigation is concluded. In turn if Mr B can provide any further evidence, not just his assertions, then he should make that available to the phone company and also keep Lowells informed of developments.

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 B to accept or reject my decision before 21 January 2019.

Ivor Graham
ombudsman