

complaint

Mr C complains that Lowell Portfolio I Ltd gave him incorrect information about the company it bought his debt from. He considers this led to him losing income and having to pay court costs. He wants substantial compensation for this.

our initial conclusions

Our adjudicator did not recommend that the complaint should be upheld.

Lowell accepted this recommendation. Mr C did not. As the parties did not both agree to accept the recommendation the case was sent to me to review.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

the business can only be asked to compensate Mr C for the mistakes it made

It is clear that Mr C has been through some very tough times and it would be hard not to sympathise with his predicament. I recognise that his situation is unfortunate but I can only fairly hold Lowell responsible for the things I consider it has done wrong – if anything.

It is also clear that Mr C has very strong views about his complaint and he has provided a great deal of information to support his complaint. I understand that Mr C considers that all of this information is relevant. My role is to focus on those points I consider to have a direct bearing on his complaint which means I have only commented on those points I consider to be most relevant. I do not expect that Mr C will necessarily agree with my approach but I hope he understands my reasons.

there are no valid grounds to dismiss this complaint

Equally Lowell considers I should not be dealing with this complaint at all. It tells us it has already gone through all the issues with Mr C in a court case. I see things differently. I recognise that the court agreed Mr C owed the debt – but that is not what Mr C is complaining about. So I see no reason to dismiss this complaint as Lowell has requested because the court has not already looked at the merits of this complaint. I do hope Lowell can now accept this distinction because it is clear that up until now it has not.

there is no proper basis to ask Lowell to compensate Mr C in line with his request

Mr C tells us *“I emphasise that this complaint relates solely to Lowell and its false statements that it acquired the debt from [a third party – “T”].* There seems to be no dispute that Lowell did give Mr C wrong information about who it bought the debt from. It certainly seemingly took it a long while to tell Mr C that it had bought the debt from a company I shall call “Q” rather than T. Why it could not have cleared up this point quickly and easily is hard to see.

That said, it appears that Mr C was well aware that he owed the debt. Further he apparently knew that Lowell had given him incorrect information because it seems he knew that Q rather than T originally owned the debt. The court has said he should pay the debt. So in all

the circumstances, I consider that it would not be fair and reasonable to ask Lowell to make any further amends here for its mistake.

Mr C and Lowell went to court. Mr C says Lowell's behaviour and the court case "*distracted and drained my time and efforts from other revenue generating efforts*" he asks for over £60,000 to compensate him for this. I consider that these losses are somewhat speculative. He has not demonstrated he would have generated this income but for the actions of Lowell. Neither has he demonstrated that any such loss – which was a best potential – flowed from any mistake on the part of Lowell. It follows I cannot fairly ask it to pay him the compensation he requests.

I've also been asked to make Lowell pay Mr C for the costs that the court awarded against him. I cannot overturn the decision of the court if Mr C wishes to pursue this he should return to court.

It appears that Mr C may be experiencing financial difficulty if that is so then Lowell must treat him positively and sympathetically.

my final decision

My final decision is that I do not uphold the complaint

Joyce Gordon
ombudsman