

complaint

Mr D and Miss S complain that Hillesden Securities Limited unfairly registered a default on their credit files in respect of a debt. Mr D has dealt with the complaint on behalf of them both.

background

The debt owed by Mr D and Miss S was in respect of an account previously held with another lender. The original lender later sold the debt to Hillesden.

Mr D says that he contacted both the original lender and Hillesden in September 2013 and was told that his account had not been defaulted. He recently saw that defaults had been registered on the credit files, apparently backdated to September 2013.

Mr D says that this is unfair, as he and Miss S were misled about the status of their account and were not given a fair chance to put things right before the default was registered.

Hillesden did not agree. It said that its registration had been made in accordance with the relevant data rules and accurately reflected what had happened on the account. As things were not settled, Mr D brought the complaint to this service where an adjudicator investigated it.

From the evidence, the adjudicator concluded that Hillesden had not treated Mr D and Miss S unfairly and so did not recommend that the complaint should succeed. Mr D did not agree and said, in summary:

- He contacted the original lender in August 2013 to discuss payment, but was told that the account was due to be sold and so it was not accepting payment. The original lender then sent a default letter on 2 September 2013.
- The original lender confirmed, in a number of telephone conversations in 2013 and 2014, that the account had not been defaulted – but has kept no record of that.
- This was originally a long-term secured loan, and so the original lender should not have routinely defaulted it for being three months in arrears.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr D and Miss S have raised a number of criticisms of their original lender. For example Mr D feels very strongly that the original lender should have been far more flexible, should not have registered a default and should not have sold the debt to Hillesden. But this is a complaint about Hillesden, and so those matters cannot be considered and dealt with in this final decision.

As the adjudicator has already explained to Mr D and Miss S, it was not necessary for Hillesden to issue a new default notice before applying the default because the original lender had already sent one in April 2013. Hillesden told Mr D and Miss S what it intended to do, and gave them 14 days to respond.

Overall, I am not persuaded that Hillesden has treated Mr D and Miss S unfairly or that it has registered inaccurate information about the debt. It follows that I am unable to uphold this complaint.

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 D and Miss S to accept or reject my decision before 14 December 2015.

Jane Hingston
ombudsman