

complaint

Miss M had a catalogue account with Redcats (Brands) Limited, trading as La Redoute. She complains that La Redoute defaulted this account and placed adverse information on her credit file. She says that she did not receive any correspondence about an outstanding balance, or notice of the default. She wants the adverse information removed from her credit file.

background

Miss M said she discovered the default when she had problems applying for credit. She then contacted La Redoute and made a final payment.

Miss M also complained to La Redoute. It wrote back to her, saying:

- Her account fell into arrears when regular monthly payments were not maintained
- She was sent letters warning her that payments had been missed, giving her notice of default, and telling her that the account was being transferred to a debt collection agency
- The default registration in 2011 was accurate and correct – even though it had not retained, and so could not give her, a copy of the actual default notice
- It was not in a position to uphold her complaint

Miss M referred her complaint to us. Our adjudicator did not think it should be upheld, saying:

- It was reasonable to believe that Miss T was aware of and owned the debt, because she paid it off straight away when she contacted La Redoute
- Evidence supplied to us by La Redoute supported its statements to Miss T about notification letters being sent to her
- A credit file must accurately reflect the conduct of accounts shown, and La Redoute had acted correctly by recording the adverse information

Miss M disagreed with our adjudicator, and asked for her complaint to be reviewed by an ombudsman.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where evidence is incomplete, inconsistent or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available evidence and wider circumstances.

Miss M appears to accept that the debt belongs to her, but says that she did not know about the outstanding balance or the default. She also argues that the adverse information on her credit file should be removed, because La Redoute cannot provide a copy of the default notice.

La Redoute, backed up by its internal records, says that it sent correspondence to her on these matters. I think it is more likely than not that this correspondence was sent. I also agree that a default registration in 2011 is not invalidated by the absence now of a copy of the relevant notice.

This means that, on balance, I find I have come to the same conclusion as our adjudicator, for the same reasons.

my final decision

For the reasons explained above, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 17 September 2015.

Roy Mawford
ombudsman