

## **complaint**

Mr O complains that J D Williams & Company Limited are chasing him for a debt which he says doesn't belong to him as he didn't open the account. He wants the debt removed from his credit file.

## **background**

Mr O complained to this Service. He said he was first told about a mail order account operated by J D Williams in 2013. He'd received a notice that the account hadn't been paid and so it had been sold on to a debt collection agency to enforce payment. The letter from the debt collection agency was addressed to "*Mrs O*" at Mr O's address. The debt was for around £204 and had paid for ladies clothing. Mr O said he'd never opened this account. And he'd never received any items ordered from J D Williams.

He told us there were other people living at his property at the time of the order. And he told us another account had been opened fraudulently with another mail order company without his knowledge or authorisation. He'd tried to report the J D Williams account to the police but was referred to another crime agency which he didn't follow up.

He was told the account had been opened online in 2011 - using his name, date of birth and address. But he wasn't told the email address used, so he concludes the email address isn't his. He complains that he's now being chased for a debt which doesn't belong to him.

J D Williams says an account was opened online with one of its mail order companies in 2011. The person opening the account used his address, his date of birth and Mr O's first and last name - but the person called herself "*Mrs O*". It said the items ordered were sent to the address it holds on its file. But as the account was so old, J D Williams couldn't say who signed for the orders when they were delivered.

It concludes it has enough evidence to show Mr O is liable for the account. As it didn't receive any payments from Mr O, it sold the debt to a debt collection agency in 2014. This was recorded on Mr O's credit file.

Our adjudicator thought the complaint should be upheld because there wasn't enough evidence to show J D Williams was chasing the right person for the debt. So she concluded the account should be bought back from the debt collection agency. And it should be removed from Mr O's credit file.

J D Williams disagreed with our adjudicator's view and asked for the matter to be looked at again.

## **my findings**

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've decided to uphold Mr O's complaint. I'll explain why.

J D Williams says someone applied to open an account online in 2011 using Mr O's address, date of birth and his first name and last name – but the person called herself "*Mrs O*" not Mr O. We haven't been told the email address used during the account opening process – so I

can safely assume that it probably wasn't Mr O's email address or else it would've been given to him when he asked for the account opening information. And we haven't been told this was a joint account opened in two names. And I can also see that letters sent by the debt collection agency were addressed only to "*Mrs O*" and not to Mr O. So I think J D Williams has shown this was an account opened in the name of "*Mrs O*", and not Mr O.

Mr O also told us he'd never received any items ordered from J D Williams. And he did confirm there were other people living at his address at the time. So there is a possibility that someone else used his name, date of birth and address without his authorisation or knowledge. And in this case - as I've said above - I don't think J D Williams has been able to show me Mr O opened the account.

Taking everything into consideration, I agree with our adjudicator that J D Williams is not chasing the right person for this debt. So Mr O isn't liable for it. It follows that I will uphold this complaint.

### **my final decision**

I require J D Williams & Company Limited to do the following:

- Arrange for the account to be bought back from the debt collection agency and
- Remove the account from Mr O's credit file.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 12 February 2018.

Amrit Mangra  
**ombudsman**