

complaint

Mrs E complains that Lowell Portfolio I Ltd has pursued her for a debt which she does not owe.

background

Lowell Portfolio acquired the disputed debt from a third party lender. It pursued Mrs E for repayment of the debt. Its recovery action included an application for a bankruptcy petition which was initially granted in error in Mrs E's absence and later dismissed.

Mrs E maintains that the debt is not hers. She says that the court decided that the debt was not hers yet Lowell Portfolio continued to pursue her for repayment.

In its response to this service, Lowell Portfolio said that it has written off the debt and that it will not be sold to any other collection agency. Mrs E wants Lowell Portfolio to acknowledge that the court's decision is final and pay her compensation.

my findings

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

It is clear that Mrs E has very strong feelings about Lowell Portfolio's actions. She has provided detailed submissions to support the complaint, which I have read and considered in their entirety. However, I trust that she will not take as a discourtesy the fact that my findings focus on what I consider to be the central issues and that they are expressed in considerably less detail.

Lowell Portfolio has provided a copy of the original credit card agreement showing Mrs E's name, address and signature. The signature appears to me to be the same as the signature on the complaint form. I do appreciate the strength of Mrs E's conviction that the debt is not hers but, on balance, the weight of the evidence suggests that it is more likely than not that it is.

The court order to which Mrs E refers does not show that the court found that the debt was not Mrs E's – it deals with the dismissal of the petition for bankruptcy and the legal costs of those proceedings.

In the circumstances, Lowell Portfolio was not at fault in pursuing Mrs E for payment. It has now written off the debt. That means that it will no longer pursue Mrs E for repayment.

my final decision

I am sorry to disappoint Mrs E but, for the reasons set out above, my final decision is that I do not uphold this complaint.

Louise Povey
ombudsman