

complaint

Mr J complains that Cabot Financial (Europe) Limited ("Cabot") has been pursuing him for the repayment of money that he does not owe. He says he was in the process of disputing that he owed this money when the previous debt owner ("B") sold the debt to Cabot. On this basis he believes that Cabot's debt collection activities are unfair.

our initial conclusions

Our adjudicator did not recommend that the complaint should be upheld. He said that, Cabot was entitled to pursue him for the debt as it appeared it was validly owed.

Mr J did not agree with the adjudicator's recommendations. He said that he did not owe the disputed part of the debt that was the whole premise of his separate complaint against B. Further, B should not have sold the debt on to Cabot as it was aware of his claim about disputed transactions.

He said his dispute with the B has not yet been settled due to an ambiguous letter he received from it. He said on this basis at least a portion of the debt was not validly owed and Cabot should not try to collect this money from him.

Mr J asked an ombudsman to review his complaint.

my findings

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

There is no dispute that B sold the debt to Cabot and it is now attempting to collect that debt from Mr J. Mr J says that he continues to dispute some transactions with B and whether or not he validly owes this debt. I recognise he considers his dispute with B means that it should not have sold the debt. That said, I cannot really see that he can reasonably complain about the actions of Cabot in relation to the money it is pursuing him for. Rather it seems his dispute is with B and with the supplier who appears to have taken money from his account – he says without his consent.

Therefore, it is really for B to investigate his concerns and address them. And until such time that the bank accepts that it was liable to refund those payments, I consider that Cabot would be reasonably entitled to pursue Mr J for the repayment of the money owed to it.

Further, Cabot has shown it made reasonable enquiries with B when it bought the debt to ensure it was validly owned. In all the circumstances I do not consider I can fairly say Cabot has done anything wrong.

Mr J says that he is currently awaiting further clarification from the B. I can only suggest that he should let Cabot know when he receives the bank's response. But as it stands it appears that Cabot is pursuing him for a debt that he validly owes. It follows I consider that Cabot did not make a mistake in pursuing him for the debt.

my final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr J to accept or reject my decision before 15 January 2015.

Joyce Gordon
ombudsman