

complaint

Mr R has complained that OPOS Limited is unfairly pursuing him for a debt.

background

Around three years ago, Mr R took out a loan for £150 with another business. Ultimately, the debt, plus interest, was passed to OPOS. The debt stood at £1,181.50.

Mr R feels he shouldn't have to repay any of the debt, as he wasn't sent the notice of assignment of the debt in a timely manner. After Mr R complained to this service, OPOS agreed to reduce the debt to £300. It also apologised for the delay in sending the notice, and agreed to reduce the debt by a further £50 in recognition of this.

Our adjudicator felt this was fair. Mr R disagreed, as he feels he shouldn't have to repay any of the debt.

my findings

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

Although I agree with Mr R that the notice of assignment should have been sent by 29 December, I think the fact it wasn't sent until three weeks later was an administrative error. I know Mr R feels this makes the debt unenforceable, but I'm satisfied that, ultimately, Mr R did borrow the money and so does have a debt. I disagree that sending the letter three weeks late caused significant distress to Mr R, although I accept it was inconvenient. OPOS has agreed that Mr R only needs to pay back £250, in full and final settlement of the debt. I think this is reasonable, given that this is only £100 more than the original £150 borrowed three years ago.

my final decision

To put matters right, I require OPOS Limited to reduce the debt to £250, and amend Mr R's credit file to reflect this.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 9 October 2015.

Elspeth Wood
ombudsman