

## **complaint**

Miss D complains that Lowell Portfolio I Ltd ("LPI") placed her account with its external solicitors to recover her debt. As a result, she has been charged over £300 court fees. She doesn't think she should have to pay this amount. She wants the money refunded and an apology.

## **background**

Miss D had a debt of just over £1,000. LPI asked its external solicitors to recover the debt from Miss D. Miss D got in contact with the solicitors and says she agreed to pay back the debt by 1 August 2014. She says the solicitors told her it would not take court action if she did this. When she called to make a payment on 31 July 2014 she was told she had to pay £354 court fees as well. She wants this refunded and also an apology. She says that the solicitors told her it would not take court action if she stuck to the plan.

LPI says it tried to get Miss D to pay her debt for 2 years and she has made many repayment arrangements that have not been successful. So it placed her account with its external solicitors to recover the debt by taking court action. LPI says that it is entitled to recover the debt and charge her court fees. If she disputes the costs she should have complained to the court.

The adjudicator did not uphold the complaint. She listened to the calls between Miss D and the solicitors. In one call she agreed to pay £508.76 on 20 June 2014 and £508.76 on 20 July 2014. She was told if she stuck to this plan no further action would be taken and she would avoid court proceedings. She was not told that no action would be taken if she paid by 1 August 2014. Further, Miss D did not contact the solicitors to explain that she could not make the agreed payments. It was not unreasonable for the solicitors to start court action as instructed by LPI.

Miss D did not agree and maintains she was advised that as long as the payment was made before 1 August 2014, the case would not go to court. She paid the outstanding money on 31 July 2014. She does not think court action should have been taken.

## **my findings**

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

I agree with the adjudicator for the same reasons. I have listened to the telephone calls between Miss D and the solicitors, and unfortunately, she was mistaken about what was said. She was not told that as long as she paid by 1 August 2014 she would avoid court action. She was told she would avoid court costs if she stuck to the agreed plan of one payment on 20<sup>th</sup> June 2014 and one on 20 July 2014. This was the repayment plan she put forward. As she missed both dates and did not make contact with LPI or the solicitors, court action was taken. I find that the solicitors were acting under LPI's instructions and in the circumstances court action was legitimate.

I appreciate that this is disappointing for Miss D, particularly as she has now paid off all the original debt. But for the above reasons I do not uphold this complaint.

**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 Miss D to accept or reject my decision before 1 May 2015.

Clare Hockney  
**ombudsman**