

complaint

Mr P complains that Drydens Limited (the business) is chasing him for an outstanding debt but has not provided him with the details proving he owes the money.

background

Mr P says that he was paying £30 per month to a debt collection company but that he had no information about the debt. He says he agreed to make the payment as at the time he was being threatened that bailiffs would visit him. He says in mid 2014, he received a letter from the business saying that it had taken over the debt. He says he took this opportunity to challenge the origins of the debt. Mr P says he was told the debt was the result of a mortgage shortfall. He was not happy with this and wanted details of how this shortfall had arisen.

The business says that Mr P was sent a letter explaining it was taking over the debt. It says that there was a previous arrangement in place with Mr P to pay £30 per month and that he had made these payments. The business says it sent Mr P a copy of the completion statement in November 2014 showing how the debt had arisen and an income and expenditure form for Mr P to complete. And that it then sent Mr P a copy of his original mortgage application.

The business says it is not responsible for any issues Mr P had with the previous business dealing with his account and that it has done nothing wrong, based on the information it has received, in pursuing Mr P for this debt.

The adjudicator said that based on the information provided, including the completion statement, he was satisfied that the debt existed. He also said that Mr P had not provided any persuasive evidence to suggest that the calculation of the debt at the time it was passed to the business was incorrect. He did not find evidence that the business had treated Mr P unfairly while trying to recover the debt.

Mr P did not agree. He said he did not receive the copy of the completion statement and that he still hadn't been provided with the details proving he owed the amount he was being pursued for.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. This complaint is against the business and so it is only the actions of the business that I have considered.

Mr P has questioned why he still owed money after he voluntarily gave up his house in 2003. He has noted that the house was sold for more than he bought it for and says he has not been provided the details of how the shortfall arose.

The business says that it sent Mr P a copy of the completion statement in November 2014. While I understand Mr P says he did not receive this, having looked at the evidence provided by the business, including its system notes, I accept that this was sent. The completion statement sets out how the mortgage shortfall of just under £5,000 arose. Based on this I am satisfied that this debt exists and based on the payment information received I have nothing to suggest that the amount still outstanding is incorrect.

Mr P had been making payments of £30 per month towards this debt before it was taken over by the business. I understand that he says he agreed to do this because he was threatened with bailiffs. However, I find that had Mr P not considered the debt to be his he would not have continued to make these payments over such a long time.

Mr P has said that the business has caused him stress because of its actions. While I accept that being pursued for a debt is stressful, I do not find anything to suggest that the business has acted unreasonably.

Overall, I do not find that the business has done anything wrong in pursuing Mr P for this 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 P to accept or reject my decision before 22 July 2015.

Jane Archer
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