

complaint

Mr Q complains that Capquest Investments Limited ("Capquest") unfairly applied a default to his credit file for a debt, for which a county court judgement ("CCJ") had already been registered on his file by the original creditor. He did not think it fair that Capquest was able to register a default for the same debt. He had also not been told that the debt had been assigned to Capquest. He would like the default removed from his credit file.

background

Mr Q said that he was unhappy that Capquest had registered a default on his credit file when he already had a CCJ registered on his file for the same debt. Mr Q said that he wrote to Capquest several times asking for proof that it owned the debt. But Capquest did not respond. Mr Q said he disputes owing the debt to Capquest and he wants the default removed. He only became aware that Capquest had put a default on his credit file in early 2013 when he was buying a house.

The adjudicator did not recommend that the complaint should be upheld. She noted that the original creditor had applied a default to Mr Q's credit file in August 2009, and it had obtained a CCJ against him in December 2009. She believed that the court would not have entered judgement against Mr Q unless it was satisfied that a default notice had been sent to him. She also noted that the original creditor and Capquest had written to Mr Q in March 2011 to tell him that the debt had been assigned to Capquest. The letters had been sent to Mr Q's old address which was the address held on the original creditor's file. She did not consider that it was reasonable for Mr Q to say that he did not receive the letters, if he did not provide updated details to the original creditor when he moved. She said that the default showed the original debt of £687.00, but the CCJ showed a debt of £834.00 as it included court fees of £147.

Mr Q disagreed, and responded to say that he wanted 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.

I can see that both the default and the CCJ were originally applied to Mr Q's credit file in 2009 by the original creditor. I have not seen any evidence that Mr Q disputes that he had an account with the original creditor, nor does he dispute the CCJ obtained by the original creditor.

As the 2009 default was transferred into Capquest's name, it is not a new default. I can see that Mr Q's credit search shows that it was applied in 2009. Capquest said that it was obliged to transfer the original creditor's default into its name. I am not persuaded that it acted unfairly in doing so.

I can see that the original creditor would have had to serve a default notice on Mr Q before it was able to obtain a CCJ. Mr Q said that he did not receive the default notice or the letters telling him about the assignment of the debt from the original creditor to Capquest. But it is clear that Mr Q now lives at a different address to the one held for him by the original creditor. And as he moved, he was obliged to tell the original creditor that he had changed address.

I have seen no evidence that he did so. For this reason, I cannot say that Capquest acted incorrectly in writing to Mr Q at his old address. It said that it sent him seven letters and rang him several times to try to contact him before it obtained his new address.

Mr Q said that he wrote to Capquest several times asking for proof that it owned the debt. He has not provided any copies of these letters, and I can see from Capquest's contact notes that it has no record of these. But I can see that Capquest wrote to Mr Q in May 2013 after it received his complaint, asking for proof of residence, but it received no response from him.

So, after having carefully considered the circumstances of this complaint, I am not persuaded that Capquest has acted inappropriately.

my final decision

My decision is that I do not uphold this complaint.

Roslyn Rawson
ombudsman