

complaint

Mr K complains that a credit agreement with Simply Be is not enforceable and that his debt has been passed to different collection agents. Simply Be is a trading name of Candid Collections Limited which is an appointed representative of JD Williams & Company Limited, against which this complaint is made.

background

Mr K opened an account with Simply Be. He used the account to order some goods. He did not pay the outstanding balance of his account and his account was transferred to collection agents. He complained to Simply Be that his account was unenforceable and that he was being harassed by the account being passed to different collection agents. He was not satisfied with its response so complained to this service.

The adjudicator did not recommend that this complaint should be upheld. He concluded that Simply Be was entitled to refer the debt to debt collection agencies and that it had not acted incorrectly.

Mr K says that his complaint solely concerns the repeated passing of his account to a new collection agency each time he informs the collection agency that he will not pay the amount he owes until it has obtained a court order that the debt is enforceable.

my findings

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

Mr K does not dispute the balance owed on the account. As he has received the benefit of the goods that he purchased using the account, I consider it to be fair and reasonable for Simply Be to require him to repay the outstanding balance of his account. I also consider it to be fair and reasonable for it to seek to enforce the terms of the credit agreement against him to the extent that it is able to do so. Whilst it is not best practice for the account to be passed between different collection agencies, it is understandable in these circumstances as Mr K has made it clear that he will not repay the debt without a court order. I do not consider that Simply Be has acted unfairly or unreasonably in its dealings with Mr K and I see no basis on which it would be fair or reasonable for me to uphold his complaint.

my final decision

For these reasons, my decision is that I do not uphold Mr K's complaint.

Jarrold Hastings
ombudsman