

### **complaint**

Mr R complains that Creation Financial Services Limited withdrew his balance transfer promotional interest rate after he made late payments in August and September 2012.

### **our initial conclusions**

The adjudicator did not recommend that the complaint be upheld. Whilst he sympathised with Mr R's personal circumstances at the time, he said that Creation had removed the promotional rate based on its terms and conditions, and it could not be forced to reverse this decision.

Mr R replied that he was not being treated fairly and that he had caught up with his payments as soon as he realised his error.

### **my final decision**

To decide what is fair and reasonable in this complaint, I have considered everything that Mr R and the business have provided.

I am not persuaded that I can direct Creation to re-instate the promotional rate. I find this because it has acted in line with the terms and conditions of the offer based on how the account was managed – late payments were made against the May, August and September statements.

I am sorry for Mr R's loss in September. However, the bank did not make an error, and Mr R was in breach of the terms on three occasions, so I do not consider there are sufficient grounds to order it to change the interest rate on the balance Mr R transferred.

**My final decision is that I am unable to uphold this complaint.**

**Under the rules of the Financial Ombudsman Service, I am required to ask Mr R either to accept or reject my decision before 13 August 2013.**

*Rebecca Connelley*

*ombudsman at the Financial Ombudsman Service*

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

### **ombudsman notes**

#### **what is a final decision?**

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

#### **what happens next?**

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.