

complaint

Ms R complains that Lowell Portfolio I Ltd is wrongfully chasing her to repay a debt.

background

In 2013 Lowell bought a debt from a third party lender. It wrote to Ms R, to tell her the debt had changed owners, and asked her to repay over £300. Ms R considers she isn't liable to repay that, because the debt is due to a disputed payment from her account – which the third party lender later refunded. And she says Lowell should leave her alone.

Lowell says it sent Ms R enough information to substantiate the debt and her liability for it. And it has provided copy statements from the third party lender which display a debit balance - so the debt is due and owing and Ms R should repay it.

Our adjudicator didn't recommend the complaint should be upheld. She's satisfied Ms R held the account with the third party lender and the debt is hers. And she wasn't persuaded that the debt arose because of the disputed debit. Or that Lowell did anything wrong by asking for payment.

Ms R says Lowell should not have continued to contact her while the complaint was with this service. And she wants Lowell to pay her compensation for the trouble and upset she has experienced.

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 have reached the same conclusions as our adjudicator for much the same reasons.

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in the light of the available evidence and the wider circumstances.

I understand that Ms R is frustrated because she considers this debt was caused by a disputed payment, from some years ago. And she would have preferred Lowell not to contact her about it.

I have examined the account statements carefully. I can see there was a disputed debit in October 2007. But I'm satisfied that was refunded by the lender at the time and I am not persuaded that this debt resulted from it.

Ms R doesn't dispute that she held the account. And I'm satisfied Lowell bought the debt and notified Ms R about the change of ownership. So, on balance, I'm not persuaded there are grounds here for me to fairly find that Ms R isn't liable to repay the money.

I appreciate Ms R considers Lowell should have stopped contacting her while this service considered her complaint. But Lowell isn't required to do that. And I can see it suspended collections for 30 days when it initially contacted Ms R – to allow her to consider the debt and take advice if she wanted. Lowell also allowed Ms R a further 30 days when she first referred the matter to this service. I'm satisfied that was a reasonable response. And I can't fairly criticise Lowell, or the actions it has taken, in the circumstances.

I realise this decision will come as a disappointment to Ms R, as it's not the outcome she hoped for. I encourage her to engage with Lowell to try and agree the most appropriate outcome for her circumstances. Ms R may wish to seek help from a free source of debt advice (such as StepChange on 0800 138 1111) to do so. And if Ms R is experiencing financial difficulties, Lowell is obliged to treat her positively and sympathetically going forward.

my final decision

My decision is that I do not uphold this complaint. Under the rules of the Financial Ombudsman Service, I am required to ask Ms R to accept or reject my decision before 15 June 2015.

Claire Jackson
ombudsman