

## **complaint**

Ms D complains that Mercedes Benz Financial Services UK Limited (MBFS) has charged her an unfair amount for a lost document. She brings this complaint through her representative Mr R.

## **background**

When Ms D returned her hire purchase vehicle back to MBFS, she was told that the spare key and the vehicle registration document were missing.

She was then told that the spare key had been found but that the document had not been. For this, MBFS told her that she would incur a cost of £225.

Ms D challenged this figure – she said she was certain the document had been returned with the vehicle.

When the complaint was brought to this service, our adjudicator felt that she could not uphold Ms D's complaint. She said the evidence suggested that the document had not been returned and so, MBFS had not acted unfairly in passing on the cost to Ms D.

Ms D, through Mr R, asked for an ombudsman's decision.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I intend to depart from the adjudicators view to a certain extent. Both Ms D and MBFS have been told of this and both have had the opportunity to make further submissions.

I accept the evidence suggests that the document was not returned. I have seen photographs taken by the company tasked with collecting and delivering the vehicle and this specific document does not appear in the place which Ms D says it was left.

And I think that Ms D also now accepts that she may be liable for the cost of replacing the document - £25.

However, when this service questioned MBFS about how the remaining figure of £200 was arrived at, we were told that it covered the cost of the vehicle's depreciation whilst the new registration document was obtained.

I am afraid that I do not agree that this is a fair or reasonable expense to pass on to Ms D – if indeed it is an expense incurred. She was not told that this would be a consequence of a missing registration document. And it does appear to be a somewhat arbitrary figure arrived at by MBFS.

MBFS argues that the vehicle cannot be sold without the registration document and I accept this submission. But I also think it is highly unlikely that a returned vehicle would be ready for resale before a replacement document could be obtained in any event.

So, I think that a fair outcome here would be for Ms D to only bear the cost of the replacement document which is £25.

I understand that Ms D has already made a payment of £190 in order to prevent her account being passed to the collection department. The extra monies should be returned to her.

Finally, I should also say that there is some doubt as to whether this cost of depreciation is a loss suffered by MBFS as opposed to one which the dealer may suffer. But as I intend to uphold the complaint in this respect, I will make no further comment.

**my final decision**

My final decision is that I uphold this complaint in part.

Mercedes Benz Financial Services UK Limited should pay Ms D £165. This is the overpayment she has made for the lost vehicle registration document.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms D to accept or reject my decision before 2 December 2016.

Shazia Ahmed  
**ombudsman**