

## **complaint**

Mr N has complained that Santander Cards UK Limited is pursuing him for a debt on a store card when he believes the arrears are the result of their original error in cancelling a direct debit.

## **background**

In October 2010, Santander cancelled the direct debit that Mr N had set up with his bank to enable them to collect payments for his store card. After Mr N complained to them, they apologised, refunded interest and charges which had occurred as a result of their error, and paid him £50 in compensation. They also informed him that he needed to continue to make payments to this account and that an immediate payment was required to reduce the balance to the credit limit.

In 2013 Santander sold the outstanding debt to a debt recovery company. And Mr N brought a complaint to the ombudsman service claiming losses resulting from Santander's original action.

Our adjudicator informed Mr N that she could not recommend upholding his complaint as she felt that Santander had acted fairly. Mr N remains unhappy and has asked an ombudsman to review his case.

## **my findings**

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

It is clear from both Santander and Mr N's evidence that there is no dispute that Santander mistakenly cancelled the direct debit Mr N arranged to pay his store card. He complained to them and they apologised and made good their error. However by that time, Mr N already had a considerable balance on the card. He does not dispute this. I am satisfied that Santander were clear and behaved fairly in their correspondence with Mr N.

Mr N did not pay the balance on his card. After a few years Santander felt they had no option but to pass this debt on to a debt recovery company. I am satisfied that Mr N was kept informed of these proceedings.

I can appreciate that Mr N is finding it difficult to pay the balance and strongly feels that Santander is liable for his debt. However I do not agree. Nor do I agree that Santander acted deliberately to add interest that wasn't due on his account. In fact I am satisfied that the contrary is true. Santander paid Mr N £50 compensation and refunded the interest and charges on his account due to their error.

I am satisfied that there is no evidence that Santander acted unfairly. In fact Mr N spent money on his store card and therefore must take steps to settle his debt. I do not believe that Mr N's arrears are the result of any action by Santander in accidentally cancelling his direct debit.

I know that what has happened and the arrears facing Mr N have caused him considerable distress and I sympathise with him. However in this instance I cannot hold Santander liable as I do not believe they have done anything wrong.

**my final decision**

For the reasons stated above, my final decision is not to uphold Mr N's complaint against Santander Cards UK Limited.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr N to accept or reject my decision before 12 January 2015.

Sandra Quinn  
**ombudsman**