

## **complaint**

Mr E complains that Cabot Financial (Europe) Limited representing Cabot Credit Management Group Limited (Cabot Credit) are pursuing him for a debt that he doesn't believe is his. He would like Cabot Credit to prove the debt is his, to write off the debt and to amend his credit file.

## **background**

Mr E says Cabot Credit contacted him in September 2015 about an outstanding debt owing on a credit card. Mr E says the card isn't his. And he asked Cabot Credit to show what identification was used to set up the account. He says the only documentation Cabot Credit has been able to give him is a copy of the credit agreement. He doesn't feel that is sufficient proof that the account, and subsequent debt, are his.

Our investigator didn't uphold the complaint. She felt on a balance of probabilities that Cabot Credit had shown the debt was Mr H's. And so were not wrong to pursue Mr H for the debt

Cabot Credit said its records showed the account was opened in September 2009 and was active until October 2011 when a default was put on the account. It said regular payments were made until March 2011. The registered address was the one that Mr H currently lived at. And according to public records had done so since 2006. It believed the account, and therefore the debt, was Mr H's

Cabot Credit accepted this view but Mr E didn't. He said he wouldn't accept the debt was his. He queried why, if Cabot Credit could provide a copy of the original credit agreement, it couldn't provide other identification used in the credit application. Finally he said he was living at a different address at the time the credit was taken out.

Our investigator considered these points but didn't change her view. She said identification documents aren't always sought when applications for credit card accounts are made. She didn't feel further identification documentation was needed to prove Mr H's liability for the debt.

## **my findings**

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

Mr E feels strongly about this so I appreciate he is going to be disappointed as I've reached the same conclusion as our investigator.

I should make it clear that in this decision I can only look at what Cabot Credit has done. I can't consider the actions of the credit provider as this complaint isn't about that company.

There's no dispute that Cabot Credit is pursuing Mr E for an outstanding debt on a credit card. The only information that it has been able to give us on the debt is the original credit application. That shows an address which Cabot Credit said public sources of information such as a credit report and the Land Registry confirmed as Mr H's from 2006 to the present time. And it's the address Mr H put on his application to us.

Mr H has told us he was living elsewhere from 2006 – 2012 and that during this time his property was rented out. But he hasn't given us any evidence of this.

The credit application also has the same date of birth that Mr E put on his complaint form to us. And the signatures on both documents are similar.

Cabot Credit has given us copies of transactions on the account. From this I can see transactions and payments were made. It has also said that correspondence on the account would've gone to Mr H's address. I haven't seen copies of any correspondence but I think it's likely that there would have been at least some - or example to confirm the opening of the account, and the issue of the card linked to the account. From the information I've seen these would have been correctly addressed and in Mr H's name.

I have to consider if Cabot Credit has done anything wrong. And from what I've seen I don't think it has. I think it has sufficient evidence to link Mr H to the debt it is pursuing. So on that basis I can't reasonably ask it to write off the debt and to amend Mr E's credit file as Mr E has requested.

### **my final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 16 February 2020.

Bridget Makins  
**ombudsman**