

complaint

Mr C complains that Santander UK PLC registered a default on his credit file.

background

Mr C has made a number of previous complaints about his Santander account and the ownership of that account. He says he didn't receive any statements or contact from Santander about the account. Mr C would like the default removed and doesn't believe he should be liable for the balance.

Santander says it's previously looked into Mr C's complaints about ownership of the account. It says it gave Mr C its final response to the complaint in 2015 and Mr C is out of time for bringing that part of his complaint to us. Santander says Mr C used the account before stopping making overdraft repayments. It says it hasn't made a mistake and sent him a default notice on 7 July 2016 before registering a default the following month.

Mr C complained to us and our investigator didn't uphold the complaint. He said we could only look at the complaint dealing with the default as the other complaints hadn't been brought to us in time. The investigator thought Santander acted fairly and correctly by registering the default.

Mr C doesn't accept that view. He maintains he isn't liable for the debt and the default should be removed.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so I've come to the same overall conclusions as the investigator. I realise Mr C will be disappointed by my decision.

I make it clear to Mr C that I'm only dealing with his complaint about the default registration. As the investigator has said Mr C's other complaints were made to Santander in 2015 and were brought to us too late to consider. Santander doesn't give us permission to look at them out of time and I don't think there are any exceptional reasons that apply in this case. I can also see that Mr C doesn't dispute those parts of the investigator's findings.

I've looked through Santander's records and am satisfied this is Mr C's account. I say that as I can see that he has made contact with Santander over the last few years. And a number of direct debits and payments into the account were in place during that time. Mr C doesn't suggest these payments in and out of the account were not his.

I appreciate Mr C says he didn't receive account statements or the default notice sent on 7 July 2016. I can't hold Santander responsible for Mr C not receiving his mail. But I can also see that Mr C had on-line access to his account and I think he should've been aware in any event that it was overdrawn as it had previously been regularly used. I'm satisfied the default notice was sent and Santander didn't then make a mistake by registering the default on Mr C's credit file the following month.

In those circumstances I can't fairly order Santander to remove the default or stop pursuing Mr C for the money.

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 C to accept or reject my decision before 15 January 2018.

David Singh
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