

complaint

Mr R complains MKDP LLP continues to harass him about a debt it bought despite Mr R telling it the debt was unenforceable.

background

Mr R, through a third party, told MKDP that the debt it had bought from a bank I'll call F was unenforceable. The third party said the debt was unenforceable because neither MKDP nor F had provided Mr R with a copy of the original agreement. Instead a copy of the credit card agreement form – seemingly signed by Mr R was provided.

The adjudicator did not recommend the complaint should be upheld. In his view he didn't think it would be fair or reasonable that the business should be prevented from asking Mr R to repay the debt. And nothing he'd seen suggested Mr R had been harassed.

Mr R disagrees. He says MKDP has done more than merely request payment from him. It had, for example, refused to provide him with information to justify its continual pursuit of the alleged debt and it has continued to harass him even after he had made a complaint to us.

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 R disputes whether the debt which was sold to MKDP is enforceable. It is for the courts, not me, to decide if the debt is enforceable. If the debt is declared unenforceable, this doesn't mean that MKDP can't continue to ask Mr R to pay it – just that it is unable to take legal action to enforce it. Mr R hasn't said he didn't sign the agreement. He hasn't said he didn't have the benefit of the money borrowed. I see no reason why MKDP isn't entitled to ask Mr R to repay the debt. MKDP did send a letter chasing the debt when it said it wouldn't. It has apologised for this. I think this is a reasonable response. No evidence has been provided which satisfies me MKDP has harassed Mr R.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 2 November 2015.

Nicola Wood
ombudsman