



complaint

Ms B complains about Apex Credit Management Limited pursuing her for a debt that she says was repaid in 2009.

background

The adjudicator recommended the complaint be upheld. She felt that Ms B was justified in disputing the debt and she did not think it was fair or reasonable for Apex to have sought repayment of the debt. The adjudicator recommended Ms B be paid £150 for the distress and inconvenience she had been caused.

Apex did not accept the adjudicator's conclusion and feels it did take reasonable steps to clarify the position with the original creditor.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I have upheld the complaint for broadly the same reasons as the adjudicator.

Ms B, or her representative, disputed the debt when Apex first sought repayment of it. They said the original creditor had been paid and no further payment should therefore be required. Apex did suspend collection activity in 2009 while it sought further clarification from the original creditor but further collection attempts were restarted in 2011.

I have noted Apex's comments about the efforts it went to with the original creditor to try and clarify whether the debt was still due. I also appreciate that there were numerous attempts to obtain confirmation from the original creditor but no confirmation was actually received. However, when seeking repayment of a debt Apex must ensure that the debt is actually due. I am not satisfied that Apex was confident that the debt was still due by Ms B and this is perhaps demonstrated by the great lengths it went to with the original creditor.

It seems clear to me that there were justified reasons for Ms B to dispute the debt and it was far from clear that Ms B actually owed the debt. I appreciate Apex did not get clear confirmation from the original creditor about the debt still being due. However, whilst there was considerable uncertainty, and without clear information from the original creditor, I do not think that it was fair or reasonable for Apex to pursue Ms B for repayment.

I agree with the adjudicator that Ms B has been caused some distress and inconvenience as a result of Apex incorrectly seeking repayment of the debt. Having considered the circumstances here I think Ms B should receive a payment of £150 in recognition of this.

It has now been confirmed that the debt is not due and Ms B should therefore receive no further requests for repayment of the debt.

my final decision

My final decision is that I uphold this complaint and direct Apex Credit Management Limited to pay Ms B £150.

Mark Hollands
ombudsman