

complaint

Mr W complains that Robinson Way Limited is chasing him for a debt he doesn't owe them.

background

Mr W says that Robinson contacted him in 2014 about a debt he knew nothing about. They threatened debt collection in 2016 but they still hadn't provided proof of the debt. He said he'd never had a debt with the bank the debt originally came from.

Robinson said that it had sent Mr W a copy bank statement for the account which showed how the balance accrued. It didn't have a copy agreement as the debt was an overdraft. It had provided a copy of a bank statement in the name of Mr W.

Robinson said that it had a date of birth and middle name for Mr W which matched that on the account. Searches also showed he was resident at the address for the account from 2002 to 2007 when the debt was accruing. Mr W was also shown on the electoral register at the time. His credit search showed the address for the debt was his previous address.

The investigator said that this service didn't have power to decide whether a court was prevented from considering a debt due to the time elapsed. But he said it could consider whether Robinson had enough evidence to link Mr W to the debt. Robinson had only provided a copy bank statement for a Mr W which was a common name. Robinson hadn't provided any further information to show that the account related to Mr W rather than anyone else with that name. He didn't think this was enough and Robinson should stop chasing the debt. He also thought Robinson should pay £100 for distress and inconvenience due to their activity to date.

Robinson said that Mr W had confirmed he lived at the address for the account during the time the debt accrued. It said there was also a match for his forename, surname and date of birth when it used credit reference agencies and electoral role information confirming he was at that address. The investigator further replied that he hadn't been provided with any evidence to link the address to Mr W. He wanted to see more information such as a system screenshot, full name and date of birth and the actual account number. Robinson said it'd never had to provide a screenshot in the past and this service normally accepted it was telling the truth. It also felt the fact Mr W had confirmed he lived at the address showed there wasn't any doubt.

my findings

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

I have considered whether we can consider this complaint. As the investigator has said the debt was first chased in October 2014 which is within the last six years. Robinson issued its final response letter in April 2017 which is within the last six months so we can consider the complaint.

This service can't decide whether a court can or can't consider the debt and whether it is time barred due to the time elapsed since the debt was incurred. It can however consider whether it is reasonable for Robinson to be chasing Mr W for the debt based on the information available.

I asked Robinson for some further information. It said that the debt originally belonged to another bank that was later taken over. It didn't know which branch the account was opened at but said it would request a screen shot. Mr W said he had an account with the previous bank but it was a savings account and not a current account which was closed.

It's unfortunate that Robinson hasn't provided copies of the additional information it says exists to support its claim. I don't think a copy bank statement in the name of a Mr W is sufficient to demonstrate that the debt Robinson is chasing is Mr W's. I don't think it is enough to say that Mr W confirms he lived at the address in question at the time the debt was incurred. His name is very common and I haven't seen other identifying information to confirm the connection. I don't think I can reasonably conclude on the evidence supplied that the debt is Mr W's. And in the light of this I don't think it is reasonable for Robinson to be pursuing him for the debt until such time as it can present further evidence to support its claim.

my final decision

I uphold this complaint.

I direct that Robinson Way Limited should pay Mr W £100.

Robinson Way Limited must pay the compensation within 28 days of the date on which we tell it Mr W accepts my final decision. If it pays later than this it must also pay interest on the compensation from the date of my final decision to the date of payment at 8% a year simple.

If Robinson Way Limited considers that it's required by HM Revenue & Customs to withhold income tax from that interest, it should tell Mr W how much it's taken off. It should also give Mr W a tax deduction certificate if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 16 October 2017.

Colette Bewley
ombudsman