

## **complaint**

Mr B complains that Express Finance (Bromley) Limited wrongly recorded a default on his files with the credit reference agencies. He'd like the default removed.

## **background**

Mr B reviewed his credit files and found a default recorded against a payday loan in June 2013. Mr B says he didn't receive a default notice before the default was recorded. Mr B says shortly after taking out the loan with Payday Express he found himself in financial difficulties. His family took over his finances and paid his debts in full. He says if Payday Express had sent a default notice the debt would have been paid. He's now repaid the debt.

The adjudicator recommended that the complaint should be upheld. Mr B provided evidence that his other debts were paid in mid 2013. Payday Express hadn't provided evidence that it sent notices to Mr B. It seems likely Mr B's family would have paid the debt if they'd known about it.

The adjudicator said Payday Express hadn't dealt well with Mr B's complaint. He recommended that Payday Express pay £50 compensation for the trouble and upset caused and remove the default from Mr B's credit file. Payday Express didn't respond.

## **my findings**

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

Payday Express hasn't provided evidence that it sent a default notice to Mr B before recording the default on his files with the credit reference agencies. I've seen confirmations that other debts were repaid by, or on behalf of, Mr B in mid 2013. I think it's likely that Mr B's family would have repaid this debt, if they'd been aware of it, and avoided the default. I think it's fair and reasonable to require Payday Express to remove the default from Mr B's credit files.

Mr B complained to Payday Express in early 2016. While Payday Express acknowledged the complaint, it didn't provide a substantive response. I think Payday Express should pay £50 to Mr B for the trouble and upset caused by its poor response to his complaint.

## **my final decision**

My decision is that I uphold this complaint. I order Express Finance (Bromley) Limited to remove the default from Mr B's files with the credit reference agencies and pay £50 to Mr B.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 21 November 2016.

Ruth Stevenson  
**ombudsman**