

complaint

Mrs D complains that Robinson Way Limited is asking her to pay a debt that she does not owe. Mrs D wants Robinson Way to apologise and pay her compensation for the distress and inconvenience she has suffered.

background

Mrs D says that she received a letter from Robinson Way in 2013 and complained that she knew nothing about the debt mentioned in the letter. Robinson Way explained that it was a debt from a mail order account dating back to 2001 and says it traced Mrs D's new address in order to contact her. It says its internal records show that it has been regularly contacting Mrs D since 2007 and she has refused to pay.

The adjudicator recommended that this complaint should be upheld. She concluded that there was no evidence that linked Mrs D to the debt and that Mrs D's refusal to acknowledge that the debt was hers supported that conclusion. She also pointed out that the debt may be time barred given its age.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

I have looked at Robinson Ways internal records and I can see that there are regular entries over the years – about once a year - saying “customer refuses to pay”. I cannot see any entries that show me that Robinson Way ever actually talked to Mrs D – there are no details of any conversations until mid-2013 when Mrs D called to say that she had no knowledge of the debt. Given that this is the first detailed record of contact with Mrs D, I am not convinced that Robinson Way has been in regular contact with Mrs D. And, like the adjudicator, I can see nothing on the address trace supplied that links Mrs D with the debt. Nor can I see that Robinson Way made any effort to check their information was correct after Mrs D contacted it.

Based on the above I am satisfied that Mrs D is being unfairly asked to pay a debt that is not hers. And our investigations show that the debt is most probably statute barred – that is, too old to be pursued. I appreciate that Robinson Way says it has not considered this point because Mrs D did not raise it in her complaint. As the adjudicator explained, this service is entitled to define the scope of its investigation. However, the age of the debt has not affected my decision.

my final decision

My decision is that I uphold this complaint. In full and final settlement I order Robinson Way Limited to;

- Stop pursuing Mrs D for the debt.
- Arrange for the removal of the default and any other adverse information relating to this debt from her credit record.
- Pay Mrs D £150 for the distress and inconvenience it has caused.

Susan Peters
ombudsman