

The complaint

Mr O complains Lowell Portfolio I Limited are asking him to repay two debts for accounts he says he never took out.

What happened

Mr O received contact from Lowell about both debts, but not recognising them he asked Lowell to evidence the debts belonged to him, who they were from, and how the balance had accrued.

Lowell were able to provide evidence of the accounts, including who they were with. But, Mr O wasn't satisfied with the information given, and wanted more details about the information given on the account opening. Lowell said they'd provided enough information to be satisfied the debt was reasonably his – and suggested Mr O contact the original lenders directly. Mr O felt the accounts were statute barred, but Lowell didn't agree, so he complained.

Lowell said payments were made to both accounts within the last six years, so they were satisfied the debts weren't statute barred and were properly owed. Lowell felt they'd proven Mr O owed the debts, so didn't uphold his complaint. They suggested Mr O reach out to the original lenders to discuss the accounts.

Unhappy with this, Mr O asked us to look into things – explaining Lowell were supposed to be sending certain documents like annual statements but haven't been.

One of our Investigators considered things and felt Lowell had acted fairly by providing him with what they had. He also explained our service can't decide if an account is statute barred, only a court can. So, overall, he didn't think Lowell needed to do anything further.

Mr O didn't accept this. In summary he said:

- Lowell aren't able to tell him how the debts are made up which isn't acceptable
- Lowell aren't sending annual statements as they should be

Our Investigator addressed these points, but Mr O still wasn't happy, so the complaint's been passed to me to decide.

What I've decided – and why

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

I've seen the documents provided by Lowell. These include a copy of the original or reconstituted credit agreement – and statements or a transaction list showing how the balance came about.

These documents are all in Mr O's name, and the information provided by the original lenders match enough of Mr O's details for me to be satisfied Lowell are acting fairly by asking him to repay these debts.

I'm also satisfied with the documents Lowell have provided to show how the balance came about. I understand Mr O is disputing this, but I think what Lowell have provided is sufficient.

In respect of whether the debt can still be enforced, as our Investigator explained our service can't decide if an account is statute barred or not – only a court can. But a statute barred debt can still be recovered – as long as Lowell don't misrepresent the enforceability of that debt.

At its core, Mr O is disputing that these debts are his. In the circumstances, it isn't for Lowell to dispute those debt with the original lenders on his behalf. Lowell's responsibility is to assess whether they're satisfied, or reasonably satisfied, they're contacting the correct party for repayment of the debt. And, given the evidence they've been provided with by the original lenders, I think they've fairly decided to contact Mr O regarding them.

I've noted Mr O raised some other issues – such as Lowell not sending annual statements. Given Mr O disputes the debt, and no payment has been made for some time, I don't find he's been disadvantaged by this.

I also saw Mr O was concerned about defaults being applied to his credit file – but in both situations if there was a default, it'd have been applied more than six years ago. And, as defaults fall off someone's credit file after six years, this won't be impacting his credit file.

I'm aware Mr O has said if I think he needs to seek legal advice then "that's fair enough". But it's not for me to advise Mr O on his next steps. He could seek legal advice, he could also contact the original lenders directly to dispute the debts – as Lowell and our Investigator – have said. But, ultimately, whatever steps Mr O chooses to take next are for him to decide.

My final decision

For all the reasons I've mentioned above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 1 April 2025.

Jon Pearce
Ombudsman