

## **complaint**

Mr L complains about a motorcycle he bought through a loan agreement with Black Horse Limited. He is unhappy that the motorcycle is an import and says he would not have bought it had he been told it was an import.

## **background**

The adjudicator recommended the complaint be upheld. From the information she had obtained about the motorcycle she was satisfied that it was an import. She felt that being an import had not affected Mr L's use of the motorcycle but accepted that it did cause problems when he tried to sell it.

The adjudicator initially suggested that Black Horse pay Mr L £500, as this is what she believed the difference in the import and 'non-import' sale price would be. She also recommended Black Horse pay Mr L £100 for the distress and inconvenience he had been caused.

The adjudicator reconsidered the complaint after Mr L had told her that he had in fact now sold the motorcycle. The adjudicator considered the price that Mr L had sold the motorcycle for and the published price by a recognised vehicle valuer. She calculated Mr L had achieved £625 less than he would have done had the motorcycle not been an import. She also revised the level of award for the distress and inconvenience and felt that £200 was more appropriate.

Mr L accepted the £625 amount as the loss he had suffered when he sold the motorcycle. He feels that a payment of £500 would be more appropriate for the distress and inconvenience he has been caused trying to prove his complaint and then actually sell the motorcycle.

Black Horse accepted the adjudicator's findings and offered to pay Mr L £500 for the loss in value and £100 for his distress and inconvenience. It feels that Mr L should have provided a copy of the sale receipt, when he sold the motorcycle, and that as he had previous higher valuations he could have sold it for more. It also believes that £100 is a reasonable amount to pay for the distress and inconvenience he has been caused.

## **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 this complaint.

As all parties in the complaint now accept that the motorcycle is an import I do not consider it necessary to restate all that has been discussed before about the origins of the motorcycle. I will however simply say that from the evidence presented I agree that the motorcycle was an import.

Mr L says he would not have bought the motorcycle had he known it was an import and I find his submissions plausible. He has found it difficult to sell the motorcycle and has ultimately achieved a value that was lower than a non import version of the same motorcycle. Having considered Mr L's submissions I am satisfied that he made reasonable attempts to sell the

motorcycle and the amount he received was a fair amount that reflected the value at the time.

At the time Mr L sold the motorcycle there was no guarantee that his complaint would be upheld and there was a possibility that no redress would be paid. Mr L would have wanted to obtain as much as he could for the motorcycle so he could use the sale proceeds to reduce or settle the outstanding loan. Had he been able to obtain a higher value I think it likely he would have accepted the higher amount.

Mr L has not provided a copy of a sales receipt but I understand it was a private sale and it is not therefore uncommon for Mr L to have simply provided a receipt for the buyer. Also, if Mr L was simply trying to obtain a higher amount of redress he could have 'produced' a receipt for a lower amount. The absence of a receipt is not a concern and I am satisfied with what Mr L has said about receiving £2,950 for the motorcycle.

The published estimated value of the motorcycle was £3,525 and I think it more likely than not that the lower value Mr L received was because the motorcycle was an import. I think it reasonable in the circumstances here that Black Horse pays Mr L the £625 he has lost out because of this.

I agree with the adjudicator that Mr L has suffered distress and inconvenience as a result of buying the imported motorcycle. Both parties are unhappy with the adjudicator's recommendation of a payment of £200 for this. Black Horse thinks it is too high and Mr L thinks it is too low. Having carefully considered the circumstances here and the level of awards that we make for distress and inconvenience I think that £200 is reasonable.

### **my final decision**

My final decision is that I uphold this complaint and direct Black Horse Limited to pay Mr L £825.

Mark Hollands  
**ombudsman**