

The complaint

Miss P complains that more 2 life Ltd caused unreasonable delays with the completion of her lifetime mortgage and she has lost out as a result.

What happened

The details of this complaint are well known to Miss P and more 2 life so I won't set them all out again here. In summary though, Miss P received a mortgage offer from more 2 life for a lifetime mortgage in August 2021. Miss P was taking out the lifetime mortgage with a view to repay her existing mortgage on her property as well as a number of other commitments and to complete some home improvements.

During the completion process, more 2 life's solicitors (Company A) acting for it with the transaction identified a pending charge against the property and it sought confirmation on this. This pending action was not resolved for some time and Miss P needed to go back to court on different occasions in relation to this debt and the actions of the third-party seeking repayment.

Miss P feels Company A failed to accept redemption statements provided to it at multiple points to allow the mortgage to complete and this resulted in significant delays. In total 9 mortgage offers were issued as the mortgage was not able to complete ahead of these expiring.

More 2 life said Company A was unable to progress the application until confirmation had been provided that the pending charge and court action had been agreed or settled. The application was placed on hold in November 2021 when court proceedings were due to take place in reference to this. More 2 life say it wasn't until Miss P's solicitor confirmed and agreement had been reached with the third-party in August 2022 that it was able to proceed to complete the mortgage.

Our investigator looked at this complaint and didn't think more 2 life had added delays to the process. He felt these were caused by things outside of its control, namely the pending charge and related court action with this. As a result he didn't think it was fair to say it added to the costs Miss P needed to pay when redemption figures expired and increased at later dates.

Miss P disagreed and maintained that she felt more 2 life should have allowed the mortgage to complete sooner. She said the third party continually refused to accept monies offered and fruitlessly kept taking her to court to gain an order for the sale.

Our investigator's opinion remained unchanged so the complaint has been passed to me for decision.

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 decided not to uphold this complaint for much the same reasons as our investigator. I know this will be disappointing for Miss P, but I'll explain why I don't think it is fair to ask more 2 life to do anything else in relation to this complaint.

Miss P accepts she struggled to reach an agreement with the third party who was pursuing her for monies owed in relation to a separate claim. And she acknowledges there was multiple court applications in relation to this where, as part of a resolution to the debt, the third party was seeking an order of sale on Miss P's property.

I don't think Company A was acting unreasonably when placing the completion on hold in view of these pending court actions. I appreciate Miss P feels the third party would not have obtained an order for sale on her property. But with Company A working for more 2 life as it secured the charge for its lending on Miss P's property, it is understandable why there was concerns with this pending action and how it could impact this charge.

It was not until August 2022 that Miss P's solicitor confirmed an agreement had been reached with the third party and it was able to continue to move forward with the application.

It did take a few months after this for all redemption figures to be obtained and the mortgage completed in October 2022. With the number of third parties needed to confirm redemption figures at this point, I don't think there was any unreasonable delay. And as I am satisfied more 2 life was not acting unfairly when it said the pending charge and court action needed agreeing before it could continue with the mortgage completion, I am not persuaded it needs to do anything else now.

The application/completion process did continue for a long time and it wasn't without mistake by more 2 life. It issued an offer that was not applicable to Miss P and her circumstances. But it provided redress for this at the time and as the main reason why this could not be progressed sooner was outside of the control of more 2 life, I'm persuaded it has not caused any unreasonable delays to the process.

My final decision

For the reasons I've explained above, I don't uphold Miss P's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 2 January 2024.

Thomas Brissenden
Ombudsman