

The complaint

Mr H complains National House-Building Council (NHBC) have unfairly declined his claim under his household warranty.

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead I'll focus on giving my reasons for my 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.

Having done so, I agree with the conclusions reached by the investigator for these reasons:

- Section 3 of the warranty says that in years 3 to 10, NHBC will pay the full cost of repairs to physical damage caused by a defect in certain parts of the property. A defect is essentially defined as a failure by the builder to meet NHBC's technical requirements – as set out in the relevant guidance
- NHBC have investigated issues relating to vibrations and the floor previously, around January 2015, and reports were produced relating to NHBC's investigations in 2016 and 2020. The issues were also considered further when NHBC produced an updated resolution report in 2021. Although damage was found, the reports have all concluded there has been no breach of NHBC's technical requirements
- NHBC's reports say they previously carried out investigations that involved opening the floor up to check the presence of a perimeter timber support – and the spacing. They said their investigations showed the floor was correctly installed, and the supports were present, so they didn't believe incorrect construction of the floor to be the cause of the issues
- In their 2021 update to the 2016 report, NHBC noted there had been a water leak in the area of concern. They believed it likely this damage resulted in the vibration issue as when the washing machine was used this may have damaged the flooring or timber supports
- Mr H said the investigations carried out by NHBC were inadequate. He believes a different problem with the floor's construction is causing the issues – and has pointed to issues experienced by other flats in the same building
- NHBC have provided me with several detailed reports which all concluded the damage to the floor, and the issues reported, are not related to its construction. Mr H hasn't provided any reports or further information that supports what he's said. So, having reviewed everything available to me, I'm not persuaded what NHBC said is obviously wrong

So for these reasons, I do not uphold this complaint.

My final decision

My final decision is that I do not uphold Mr H's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 27 May 2021.

Michael Baronti
Ombudsman