

## **The complaint**

Ms M complains that British Gas Insurance Limited (BG) caused damage to her property and provided poor customer service, following a claim under her home emergency insurance.

## **What happened**

Ms M noticed water dripping through her ceiling and contacted BG to make a claim. It sent an engineer who assessed the damage and diagnosed that the water tank needed to be replaced. During the engineer's initial inspection, Ms M said that he didn't use crawl boards and whilst he was in the room, she noticed that the ceiling had become bowed and split.

Ms M immediately reported this to the engineer who inspected the damage and denied responsibility for causing it. He said that the joists must be damaged. Ms M took photos of the joists as she said that they were not damaged and reported the matter to BG.

BG said that its engineer wasn't responsible for the damage as he had carried out the necessary repairs, without stepping where he shouldn't have and causing damage to the ceiling.

Ms M complained again that the water tank hadn't been installed correctly. BG did inspect the tank and found that it had been.

Ms M was still unhappy and raised a complaint with this service. One of our investigators considered her complaint and didn't uphold it. She said that due to the evidence, she couldn't agree that the engineer was the actual cause of the damage to the ceiling. She was persuaded that the bow and split that happened in the ceiling was due to the escape of water. So, there was nothing further she could reasonably ask BG to do.

Ms M didn't agree with our investigator. She provided a floor plan and photos to show that the damage to the ceiling was close to where the water tank was located. The damage occurred between the joists in the direction where the engineer had entered. And as the escape of water had been minimal, there was no build-up of water to have caused the damage. So, she asked for a decision from an ombudsman.

## **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 considered the complaint and I thought the complaint should be upheld. I issued a provisional decision on 12 May 2021 and asked both parties to send me anything else by 11 June 2021. In my provisional decision I said:

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

*Having done so, I'm minded to uphold this complaint and I'll explain why I've reached this decision.*

*The main issues here are:*

- *Did the engineer cause the damage?*
- *Had the joists been previously damaged.*
- *Did BG investigate the damage?*

*I have looked at the timeline of events leading up to the ceiling becoming damaged and Ms M reporting it:*

- *Ms M contacted BG when she found that she had a leak coming through her ceiling.*
- *BG sent an engineer who proceeded to inspect the water tank.*
- *Ms M said the engineer entered the room where the tank was located. She believed that he must have stepped or knelt between the joists, as the ceiling split and bowed.*
- *Ms M sees the damaged ceiling and immediately reports this to the engineer and soon afterwards to BG.*

*BG said that its engineer had simply carried out the repair as he was instructed to and at no point did he step on the ceiling below. Its engineer also said that the area where the tank was located had no pipework and he wouldn't have gone there. Also, he said that the joists were in poor condition, although BG accepted that it had no structural knowledge of this.*

*BG has said that the joists were damaged either due to wear and tear or because of the leak. It provided photos in support of this. Ms M also provided photos of the area when the leak was first discovered, photos of the damaged ceiling as well as photos of the joists. She said that the area wasn't damaged badly and describes the leak as being minimal. She also said that the joists were in good condition.*

*I have reviewed the photographs provided by both parties and it does appear that the joists were undamaged. As Ms M said that the leak was minimal, I think it's more likely than not that there was minimal water as if there had been a lot, I would've expected to see this on the joist.*

*Having considered the timeline, the evidence and that Ms M said that the engineer entered the room to inspect the water tank by himself and without crawl boards. I think on balance, it's likely that the damage was caused by the engineer either stepping or kneeling on to the ceiling.*

*Ms M said that as soon as she saw the damage to the ceiling, she told the engineer and soon afterwards reported this to BG. She said that the agent she spoke to was rude and dismissive and that BG didn't investigate the damage or how it was caused. She also produced a floorplan showing where the damage happened and where the water tank was located.*

*BG said that as its engineer hadn't been in the area where the damage was, he couldn't have been responsible. From the complaint notes (as the call wasn't recorded) BG didn't attend Ms M's home to inspect the damage. As BG had acknowledged that Ms M complained about the damage, I think it would've been reasonable for BG to have*

*investigated the damage further. From what I can see, apart from one telephone call no further investigation was carried out.*

*Ms M provided a floorplan of the layout of the room. It shows the site of the damage and the location of the water tank as well as the entry point into the room. BG has said that because there was no pipework in that area, then its engineer wouldn't have been over there. But from the floorplan (which BG has confirmed its not in a position to dispute its accuracy) it shows that the only way for the engineer to access the tank would be to walk that way especially as Ms M said that tank was in the eaves. I'm satisfied that the engineer would've had to have been in the area in order to carry out the repair.*

*In the circumstances, I think that its fair that BG ought to put matters right, by BG repairing the ceiling. Ms M describes the stress of being left with a damaged ceiling and no means to pay for it. I think that Ms M would've been inconvenienced, and I think that it's reasonable for BG to acknowledge the level of distress and inconvenience caused. So, I think it's fair that BG pay £100 compensation for this.*

Responses to my provisional decision

Ms M accepted my provisional decision but wanted assurance that the repairs would be carried out properly.

BG said that it was extremely disappointed by the provisional decision as it held BG accountable for repairing the ceiling without any evidence to support, that its engineer caused the damage. It reiterated its position that the engineer had moved the water tank, not stepped on the ceiling and had used crawl boards. Further the engineer advised that the damage ceiling was in an area where no pipes were, and he wouldn't have been over there.

Finally, BG said that it should only be responsible for repairing the ceiling and not painting it as Ms M had no evidence to support her case. It also made no mention as to the amount of compensation proposed.

I understand that BG couldn't dispute the floorplan that Ms M produced. So, it hasn't provided any other evidence that could dispute Ms M's account regarding the floorplan and her account of the engineer entering the area without crawl boards when he carried out his initial inspection.

In addition, the timeline of the event shows that there was a short time frame from the engineer entering the area to when Ms M notified both the engineer and then BG about the damage. I think on balance that it is likely that the damage was caused by the engineer.

BG said that the joists were in a poor condition. But it accepted that it didn't have any structural evidence to support this. Ms M said that the joists were in good condition and that there was minimal water present. She produced photographs in support. From Ms M's account and her photographs, I am persuaded that the joists were in good condition and that the water was minimal.

**Putting things right**

Taking all of this into account, I am satisfied that BG ought to put matters right by repairing and repainting the damaged ceiling. If Ms M is unhappy with the standard of repair that BG carries out, she'll need to raise this directly with BG. BG should also pay £100 compensation, for the distress and inconvenience caused.

### **My final decision**

My final decision is that I uphold this complaint.

British Gas Insurance Limited should repair and repaint the damaged ceiling.

British Gas Insurance Limited should pay Ms M £100 compensation for the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M to accept or reject my decision before 21 June 2021.

Ayisha Savage  
**Ombudsman**