

## **The complaint**

Mr and Mrs R complain that National House-Building Council (NHBC) declined a claim they made on their building warranty.

## **What happened**

Mr and Mrs R hold a building warranty with NHBC. When they noticed cold spots and condensation, they made a claim to NHBC.

NHBC declined their claim. It said the claim didn't fall under the scope of the policy because it didn't meet the minimum claim value.

Mr and Mrs R weren't happy with this and complained to us. They thought NHBC should be able to make their housebuilder act, because they felt it was their housebuilder who caused the cold spots and condensation by not building the house correctly.

One of our investigators didn't recommend Mr and Mrs R's complaint be upheld. They said it wasn't NHBC's responsibility to ensure the housebuilder took action. And they thought NHBC was acting in line with the policy when not paying this claim.

Mr and Mrs R remained unhappy and asked for an ombudsman's 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'm not upholding this complaint. I understand this will be disappointing and frustrating to Mr and Mrs R.

In the scope of this decision, I'm looking at NHBC's actions and obligations. I'm not looking at the housebuilder's.

- The housebuilder's responsibility on this policy is limited to the first two years of Mr and Mrs R's ownership. This claim was made outside that period.
- NHBC's responsibility kicks in in year three and runs to year 10. It is within this period the claim is made and NHBC need to assess it in line with the terms and conditions of the policy.
- The policy has a minimum claim value (MCV) of £1,535. This means for any claim to be successful, it needs to cost NHBC more than that value to fix.
- In this case, NHBC have provided reports showing that the cost of the claim is £874.70. As this is less than the MCV, NHBC have acted in line with the policy by declining the claim.

**My final decision**

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R and Mrs R to accept or reject my decision before 2 November 2022.

Joe Thornley  
**Ombudsman**