

The complaint

Ms K has complained about National House-Building Council (NHBC). She feels it hasn't treated her fairly after she made a claim on her building warranty policy in relation to her stairs.

What happened

Ms K bought a new-build property that was covered by a ten-year building warranty policy. After a period of just under 10 years she had a problem with her stairs and so she made a claim under her policy. But when NHBC looked into the claim it turned it down. Its appointed expert inspected the stairs in Ms K's property and although he acknowledged they creaked and were noisy he didn't think they were defective - highlighting that the stairs held a normal load and weren't dangerous.

Ms K wasn't happy about this, so she complained to NHBC. It maintained its position and so Ms K complained to this Service.

Our investigator looked into things for Ms K but didn't uphold her complaint. She considered the reports Ms K provided in support of her claim that her stairs were defective. But she didn't think NHBC had acted unreasonably in relying on its own inspector's report which said the stairs were creaking, but were intact, secure, supporting normal loads, and there was no evidence of physical damage.

As Ms K didn't agree the matter has been passed to me for review.

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 can understand why Ms K is frustrated and feels her claim should be met. But I have to be fair to both sides when I consider claims and when weighing up the evidence I don't think NHBC has acted unfairly here in relying on its investigation report in declining the claim.

I also think it's important to explain I've read and taken into account all of the information provided by both parties, in reaching my decision. If I've not reflected something that's been said in this decision it's not because I didn't see it, it's because I didn't deem it relevant to the crux of the complaint. This isn't intended as a discourtesy to either party, but merely to reflect my informal role in deciding what a fair and reasonable outcome is. This also means I don't think it's necessary to get an answer, or provide my own answer, to every question raised unless it's relevant to the crux of the complaint.

I have considered Ms K's joiner's report which suggests that the stairs are starting to fail and are getting progressively worse and identifies other issues with properties in the area. But this report isn't as detailed and thorough as NHBC's investigation report which has a more detailed explanation and photographic evidence supporting their findings. And I wouldn't

expect NHBC to consider what did or didn't happen at other properties in the locality in forming its view, especially when it undertook a full inspection of her property. I've also noted Ms K's comments from a structural engineer she contacted about the expected lifetime of a staircase generally and the load capacity. However, I note this engineer's comments are general and they didn't attend her property to physically inspect her stairs.

NHBC has explained that the policy only covers physical damage to staircases if they fail to support normal load caused by a defect. And NHBC's investigation report says, *'As there was no damage present to a part of the home listed under section 3, and as the staircase was found to be supporting normal loads, the criteria required for a valid claim was not met.'* And goes on to say *'Traffic over the staircase finds creaking under load, primarily from a number of the kite winders (tapered treads). Pulling back the edge of the carpet finds the joints between the risers and treads to be intact and secure. There was no evidence of the staircase failing to offer adequate support to normal loads or foot traffic over the stair.'*

I know Ms K disputes the position outlined here by NHBC and its inspection report, but I find it more persuasive having considered the evidence provided by both sides here. I note Ms K has raised a general discussion point about the life expectancy of a staircase but NHBC's warranty is for 10 years and having attended and inspected the stairs it feels that they are providing adequate support to normal loads. So, in effect, it is satisfied the stairs are functioning adequately now under a normal load or foot traffic.

Given all of this, I can't say NHBC has acted unreasonably in relying on its inspection report having attended Ms K's house and inspected the stairway, which failed to identify any physical damage that required rectifying. I know Ms K's report suggests otherwise but her report isn't as detailed as NHBC's which has photographs supporting its position as well. So, although I accept that the stairs are creaking, which they often do, I'm not asking NHBC to do anymore here. If Ms K does provide any further evidence in support of her claim then I would expect NHBC to consider this.

My final decision

It follows, for the reasons given above, that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms K to accept or reject my decision before 1 November 2022.

Colin Keegan
Ombudsman