

The complaint

Mr and Mrs C complain that British Gas Insurance Limited caused damage when attending to a claim under their HomeCare policy. For ease, I'll mainly refer to Mr C in my decision.

What happened

Mr C says British Gas caused damage to his bath in 2019, when it attended his property to repair a leak. Mr C says that, although he noticed the damage at the time, he didn't complain about it until last year because he thought he'd be able to cover the cost. In its response, British Gas said there was no evidence that the damage was caused by its engineer at the time. The insurer pointed to the fact that Mr C only reported the problem several years later and added that, although there had been other engineer visits since, nothing about this damage had been noted.

Remaining unhappy, Mr C asked this service for an independent review. Our investigator decided that British Gas had acted fairly. Mr C didn't agree, so the complaint has been passed to me for a final say on the matter.

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've decided that British Gas isn't liable for the damage to Mr C's bath. I'll explain why.

The key point here is that there isn't any persuasive evidence that British Gas caused the damage during its visit to Mr C's property in 2019. Mr C says he heard a loud noise at the time and only noticed the damage after he was asked to sign the disclaimer form. Mr C also says that he didn't follow this up with British Gas at the time because the engineer apologised, and he felt able to cover the cost of repairing the damage himself.

Unfortunately, British Gas no longer holds records from its engineer visit in 2019 and Mr C hasn't provided any records he may have had either. Moreover, as the insurer points out, there have been other engineer visits since and nothing about the damage to the bath has been noted by either party. So it's difficult for me to fairly conclude that British Gas did indeed cause damage to Mr C's bath.

The length of time that has passed since the engineer visit in 2019 is also significant. Mr C says it was some time before he was able to arrange for repair quotes and this is when he realised that the cost would be too much for him to cover. It's at this point in 2022 that Mr C decided to flag the damage with British Gas. Although I empathise with Mr C because of the circumstances he's found himself in, I can't fairly hold British Gas responsible for the damage to the bath.

I accept that Mr C's initial intention was to arrange to have the bath repaired himself. But, in my opinion, had Mr C been genuinely concerned about the level of damage caused, I think

it's more likely than not that he would've raised this with British Gas around the time – rather than wait several years to do so.

For these reasons, I've decided that British Gas isn't responsible for covering the cost of repairing the damage to Mr C's bath. So I won't be asking it to do anything more in regards to this complaint.

My final decision

I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C and Mrs C to accept or reject my decision before 24 March 2023.

Abdul Ali
Ombudsman