

The complaint

Mrs W is unhappy National House-Building Council (NHBC) won't carry out further investigations or works under her Building Warranty following ongoing water ingress to her property.

What happened

Mrs W has had ongoing water ingress to her property intermittently over a number of years. This has been raised with NHBC each time, investigations have been completed along with previous works. However, Mrs W says the issue still hasn't been resolved by NHBC.

Complaints have been raised with NHBC by Mrs W and subsequently brought to this service.

Since those previous complaints, Mrs W has obtained a report outlining additional possible causes of the water ingress. She says NHBC should now appoint surveyors to investigate and carry out repair works. However, NHBC says the report concurs with their previous findings, so they maintained their overall position not to do anything further.

Our investigator looked into things and didn't uphold the complaint. She said that whilst she noted a new report had been completed, the previously identified suspected cause hadn't been rectified by Mrs W to establish if that resolved the water ingress. The investigator said if it was completed, and it didn't resolve the water ingress, NHBC would then consider this further at that stage. The investigator thought that was fair.

Mrs W didn't agree and asked for a final 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.

As outlined above, previous complaints have been made to NHBC and later brought to this service. I won't be revisiting these again as they've already been considered previously by this service. But I'll summarise the outcome of those, before considering this current complaint.

The previous cases

An ombudsman colleague issued a final decision on the first complaint Mrs W brought to us. In summary he said:

- NHBC needed to determine the cause of the water ingress, and consider whether it should have been addressed under the previous claim, or separate (and whether covered)
- NHBC needed to pay Mrs W compensation for the overall service

Following this, a second complaint was brought to this service by Mrs W after NHBC carried out investigations into the water ingress. In summary, the investigator concluded:

- NHBC had fairly investigated matters following the previous final decision by carrying out an investigation, which identified lack of sealant as the cause of water ingress
- The report completed several years prior also concluded a lack of sealant was the cause of the water ingress
- The policy didn't provide cover, and a lack of sealant was a maintenance issue and not covered either, so NHBC didn't need to do anything further

This case

Since those previous cases, Mrs W has obtained a further report on the possible cause of water ingress to her property. She says this provides further conclusions on defects and NHBC now need to investigate and complete repairs.

NHBC says the report Mrs W has provided concurs with the previous reports - that a lack of sealant is causing water ingress. NHBC says this isn't covered under the policy, but previously as a gesture, NHBC offered a cash settlement to cover the cost of those works – but they've still not been completed so this is why water is still entering Mrs W's property.

Mrs W says she doesn't consider sealant to be sufficient to hold back water ingress from storm weather, so this is why it hasn't been completed. Instead she says NHBC should now appoint qualified building design engineers to investigate further, commission a report and scheme of repair works, carry out those repairs and sign them off.

However, I agree with our investigator here. The recent report carried out does say one of the suspected causes of the water ingress is a lack of sealant. This concurs with findings in previous years too. Whilst not covered under the policy, NHBC has previously offered to pay a cash amount to have the sealant works completed as a gesture. But as mentioned, this hasn't yet been carried out.

Whilst I do recognise Mrs W doesn't think sealant works would stop water ingress during a storm, as this hasn't yet been carried out, it is unknown for certain whether this would resolve the water ingress or not. But without this being completed, I can't fairly conclude, on balance, that this isn't sufficient as it may resolve the ongoing ingress as concluded by NHBC.

NHBC has said that if the sealant works are completed, and there is then still water ingress, then they'd consider that further. I don't think that's an unfair position in all the circumstances of the case, so I'm not going to direct NHBC to do anything further at this stage.

My final decision

It's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W to accept or reject my decision before 4 April 2023.

Callum Milne
Ombudsman