

The complaint

Mr S complains that British Gas Insurance Limited has failed to adequately service his boiler each year under his HomeCare Insurance policy.

What happened

Since 2017, Mr S has paid for a HomeCare insurance policy with British Gas for a property he lets out. A benefit of the policy is an annual boiler service.

In November 2023, Mr S contracted a third-party engineer to assess the boiler and issue a landlord's gas safety certificate. During the inspection, the engineer commented that the boiler service completed by British Gas was of very poor standards and he suspects the boiler's cover wasn't even removed.

Mr S raised a complaint to British Gas. But he says it closed the complaint without an investigation, so he contacted us.

British Gas has told us that it called Mr S and offered for a manager to attend the property for a second opinion. It says Mr S accepted this offer and it was agreed he'd call back with a convenient date and time after speaking to his tenants. The complaint was closed as a resolution had been agreed but British Gas didn't hear back from Mr S.

Our Investigator didn't uphold the complaint. She said there was no evidence British Gas had failed to carry out its obligations under the policy or that Mr S had suffered any loss as a result.

Mr S didn't agree. He says just because the boiler didn't fail isn't confirmation that it was effectively maintained. He's told us he'll now need to have the boiler inspected and complete a major service to understand the implications of British Gas' failure. And the offer for a manager to inspect the boiler was part of the complaint investigation, so he was surprised to receive a letter saying the complaint was closed.

The complaint has been passed to me to decide.

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.

The terms of Mr S' HomeCare agreement say he's entitled to an annual service defined as *"a check to ensure that [the policyholder's] boiler is working safely and in line with relevant laws and regulations"*.

British Gas has provided us with records of the visits to Mr S' property showing the annual checks have been completed and that a performance test was carried out. There doesn't appear to have been any significant issues or concerns recorded either during the visit or afterwards.

I appreciate Mr S has been told by a third-party engineer that the standard of these annual services has been poor. But there's no evidence to suggest that's the case here. I say this because the boiler appears to have performed adequately since 2017. I can't see that the boiler failed the gas safety check in 2023, rather British Gas are under the impression that it passed all checks by the third-party engineer and Mr S hasn't told us otherwise. Mr S hasn't supplied any inspection report or testimony from the engineer.

Mr S argues that just because the boiler hasn't failed, doesn't mean it hasn't been maintained adequately. Whilst I understand his concerns, the HomeCare policy doesn't say it will maintain his boiler. It says it will check it annually to ensure its working safely and in line with relevant laws and regulations.

To be able to uphold Mr S' complaint, I need to be satisfied on the evidence available that British Gas has done something wrong or unfair which has led to Mr S suffering a loss. Mr S has been given the opportunity to provide his evidence, but I haven't seen anything to show me that British Gas didn't provide the annual service or that it failed in its contractual obligations to ensure the boiler was working as it should be.

Whilst Mr S feels he now needs to pay for a complete service of the boiler, I can't say this is a loss directly resulting from something British Gas did or didn't do. This is because I'm not aware of any faults with the boiler and it has recently passed a safety check by an independent engineer.

Mr S is also unhappy that British Gas closed his complaint without investigating it. I've listened to the recording of Mr S' conversation with British Gas regarding his complaint. I'm satisfied that Mr S was informed British Gas didn't believe it had done anything wrong and that the complaint would be closed. Mr S was offered a visit from a manager which he accepted, and it was agreed he would revert back with a convenient time.

As such, I'm not persuaded that Mr S wasn't informed that his complaint would be closed. And that the next steps, should he wish to proceed with a manager's visit, were for him to revert back to British Gas – which he didn't do.

My final decision

For the reasons I've explained, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 1 May 2024.

Sheryl Sibley
Ombudsman