

The complaint

Miss W complains about the quality of a car she has been financing through an agreement with Zopa Bank Limited (Zopa).

What happened

Miss W took receipt of a used car in August 2022. She financed the deal through an agreement with Zopa. At the point of supply the car was about eight years old and had already completed a little under 94,000 miles.

Miss W experienced problems with the car and she accepted an offer from Zopa in December 2022, to repair the vehicle for her. The engine was replaced as part of that repair.

In March 2023 Miss W complained again to Zopa. She said the repair had failed. A subsequent independent inspection identified a coolant leak and an oil leak and noted that some coolant pipes had been routed incorrectly and were rubbing. But the inspector didn't think these issues were due to failed repair and didn't think Zopa could fairly be held liable.

Our investigator agreed but Miss W didn't, so the complaint has been referred to me, an ombudsman, for a final 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.

I know it will disappoint Miss W, but I'm not upholding this complaint. I'll explain why.

Where the information I've got is incomplete, unclear, or contradictory, as some of it is here, I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point, it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

Miss W acquired her car under a regulated consumer credit agreement and as a result our service is able to look into complaints about it.

The Consumer Rights Act (2015) is the relevant legislation. It says that the car should have been of satisfactory quality when supplied. If it wasn't then Zopa, who are also the supplier of the car, are responsible. The relevant law also says the quality of goods is satisfactory if they meet the standard that a reasonable person would consider satisfactory taking into account any description of the goods, the price and all the other relevant circumstances.

I can't consider Miss W's earlier complaint to Zopa that they responded to in December 2022 as Miss W didn't refer that complaint to us in time. That would include Miss W's claim to

have her recovery costs refunded. I can see that the investigator explained that to Miss W when she provided her view on this complaint.

I can, however, consider whether the repair has been successful and whether the faults the car had, when Miss W complained about a failed repair, could fairly be considered to have been present or developing when the car was supplied to her. I'm not persuaded I have sufficient evidence to suggest either is likely.

I'm not persuaded that I have sufficient evidence the repair had failed as the expert in these matters has not been persuaded it is likely to have been the case, and as I think some faults of this nature could be expected on a car of this age and mileage. While it's not ideal to have pipes rubbing against each other due to inaccurate routing, I don't think I have evidence that caused any problems, and I can see they've now been correctly routed as Miss W arranged to have the car repaired at her own cost. I've also reviewed the report Miss W provided that was completed in April 2024. That report confirms the presence of the issues that the independent inspector subsequently corroborated, but it doesn't confirm the faults were as a result of a failed repair, and as such I'm still persuaded by the independent expert's findings that it is likely they were.

Ultimately, I'm not persuaded that Zopa need to take any action here.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss W to accept or reject my decision before 4 November 2024.

Phillip McMahon
Ombudsman