

## **The complaint**

Mr R is unhappy that Zurich Insurance Company Ltd (“Zurich”) unfairly declined his claim for damage following a water leak. Zurich were providing a home insurance policy.

## **What happened**

Mr R made a claim following damage to the downstairs of his property from a water leak originating somewhere in the bathroom area of the property.

Zurich appointed a surveyor to review and validate the claim. Following Mr R’s challenge of the surveyor’s conclusions, Zurich appointed a leak detection expert to identify the cause of the leak. Based on the expert’s findings, Zurich decided to decline the claim. It said, *“the damage had arisen due to general wear and tear / lack of maintenance and not an insured peril”*.

Unhappy with Zurich’s decision, Mr R commissioned his own contractor to report on the likely origin of the leak. The contractor concluded that the primary cause of the damage was a concealed leak from the bathroom tap and associated pipework, rather than wear and tear. Zurich reviewed the contractor’s report but wasn’t persuaded to change its decision. Mr R would like his claim settled in full.

Our investigator decided not to uphold the complaint. She thought Zurich had been fair in declining the claim based upon the evidence presented. She thought Zurich had declined the claim in line with the policy terms. Mr R disagreed, so the case has been referred to 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.

I’ve checked the policy, and it states: – *“we will not pay for the following: 7. Any claim or damage resulting from: gradual causes including deterioration or wear and tear”*. Therefore, if Zurich has been able to evidence that some of the damage presented has happened gradually or through wear and tear, then I’m unlikely to uphold this complaint.

When making my decision, I’m reliant on the evidence provided and any expert reports. So, I’ve reviewed these submissions.

Zurich’s first inspection was carried out by an appointed surveyor. The surveyor observed *“I inspected the bathroom from above and found the grout to all the bathroom floor tiles had broken down and some tiles were rocking when walked upon, the Tenant has a hose that is used for cleaning within the bathroom, when this is used this will be allowing for water to seep into the floor void and down into the hall below (please see images attached). The shower tiles have come away and have next to no grout in the tiles, the edge bead has come away and this will also allow for water ingress to the floor void”*.

I reviewed the photos that have been provided by the surveyor and the commentary is an accurate representation of what I've reviewed.

As Mr R was unhappy with the findings, I'm pleased Zurich took the step of appointing a specialist in the field of leak detection. I can see the specialist deployed specialist leak detection techniques, such as dying water and tracking its route, using thermal cameras and pressure gauges.

The leak detection expert concluded:

- "1. On the basis of the above findings, we are of the opinion that the cause of the issues reported are due to an escape of water through the grout on the tiles in the shower enclosure.*
- 2. On the basis of the above findings, we are of the opinion that the cause of the issues reported are due to an escape of water through the silicone sealant around the shower tray.*
- 3. On the basis of the above findings, we are of the opinion that there are no leaks present on any of the pipework services within the property at the time of our investigation".*

Again, I've reviewed the photos provided by the expert and I think the commentary provided by the expert throughout the report is consistent with what I can see in the photographs. The bathroom does appear to need maintenance. Given the techniques applied by this expert, and his field of expertise, I think this report is important to my decision.

I think based on the leak detection expert findings it's very likely the poor maintenance in the bathroom has led to some of the damage that has been caused in the downstairs of the property.

I have also reviewed the report provided by Mr R's contractor. I see Zurich has had opportunity to comment on the report, which is good practice.

Zurich said:

*"I feel we should be standing by our decision to decline the claim, the report provided by [Mr R's contractor] is suggestive of there being several factors that have contributed to the water damage to the property, however that the primary cause was the leaking pipework under the floorboards of the bathroom.*

*[Mr R's contractor] are not leak detection specialists, more so general builders. On review of the insured's images, there is clear indication that the floorboards around where the shower tray was situated are rotten, so much so that the hallway below can be seen from the bathroom.*

*The images and report provided by the insured's own builders do not show any indication of leaking pipes besides the rotten floorboards, the ceiling below has been taken down in the images & therefore there is no further evidence to suggest that the "pipes" were leaking besides the report that mentions "deteriorated" pipework "over time" – not a one-off incident.*

*The report [by Zurich's appointed leak detection expert] is very clear in that the damage to the bathroom floor is as a result of failed sealant and grout, the images that accompany the report show that the grout around the shower tray has not only failed but is non-existent. [The leak detection expert] carries out very thorough inspections including thermal imaging & no leak to pipework was highlighted – I suspect that the pipework under the floorboards was old, however that the cause of the water damage relates to the original reason for declining the claim (failed grout/sealant).*

*I feel that we have enough evidence to support our decision”.*

I think Zurich’s viewpoint is a reasonable one. I haven’t seen any photographic evidence of leaking pipes. However, even if I had, it would not change my mind. I think based upon the evidence provided, Zurich has been fair to decline the claim. So, I don’t uphold this complaint. I think Zurich has shown reasonable evidence that the poorly maintained bathroom is likely to have had a significant contribution on the damage.

I can’t say for certain whether there were also leaking pipes or not, but it is somewhat irrelevant to my decision, as I think Zurich has shown gradual causes and poor maintenance is also a major contributing factor to the damage. Therefore, in line with the policy terms I think Zurich has been fair in declining the claim.

### **My final decision**

My final decision is that I don’t uphold this complaint. I don’t require Zurich Insurance Company Ltd to do anymore.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr R to accept or reject my decision before 15 July 2025.

Pete Averill  
**Ombudsman**