

complaint

Mr R complains that British Gas Insurance Limited didn't act fairly or reasonably when servicing his boiler under a home care insurance policy. He wants compensation for damage to his flooring.

background

Mr R had a home care insurance policy with British Gas. He had a new boiler installed and British Gas came to his property to carry out the first annual service. Mr R said that the engineer failed to spot that an automatic air vent had failed, Mr R alleged that the engineer didn't remove the cover plate to expose it (as allegedly shown by the build-up of scale). Mr R said that at the second annual boiler service, the engineer discovered that the vent had failed and said that it had happened a considerable time ago. Mr R said that the water leak was due to the failed vent, and caused damage to flooring. He wanted the costs of the new flooring paid by British Gas.

Mr R complained to British Gas. It said the damage wasn't caused by British Gas, but because the vent failed. It suggested that Mr R claimed under his home insurance.

Mr R complained to us. The investigator didn't uphold the complaint. She didn't think that the evidence showed that the boiler had been poorly installed and noted that vents can simply fail without any fault on the part of the installer. The investigator said that the component did fail and there was no way to know when (the condition of the boiler didn't help identify when due to the heat within the boiler accelerating the rusting process). She also noted that Mr R's policy only covered damage to flooring if British Gas caused the leak, which it didn't in this case.

Mr R disagreed. He thought that the first engineer didn't properly carry out the service. The investigator said that there wasn't enough evidence to make such a finding. Mr R denied that he'd said that the boiler had been installed incorrectly and reiterated his view that he believed the engineer didn't remove the cover plate during the first service. He said that he thought the vent failed due to scale affecting its operation and there was a failure to add a scale inhibitor by British Gas. The investigator said that the evidence suggested that a scale inhibitor was used, but the key point was that British Gas didn't cause the water leak.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr R feels that British Gas should've noticed that the vent had failed earlier at the first boiler service. But there's no evidence that the vent had failed by that point; it's possible that the vent failed after the first annual service and before the second one. Components can fail at any time. And the damage to the flooring was not caused by British Gas; it was caused by the vent failing, something for which I think British Gas wasn't responsible. This means the costs of repairing the damage to the floor isn't covered by the terms of the insurance policy.

It appears from what Mr R has said that he didn't spot the damage to the flooring or the water leak. An engineer spotted it. So Mr R doesn't know when the vent failed and British Gas couldn't fix a leak that it didn't know about. The condition of the boiler doesn't prove that the first engineer didn't open the cover as heat accelerates the process of rusting and scale builds up at an unknown rate; the component could've failed the day after the service. I'm unable to find that the vent failed before the first annual service of the boiler given the evidence.

There's also no evidence supporting a view that the installation of the boiler was poor. The evidence does suggest a scale inhibitor was used. Unfortunately, components can fail. Even the evidence relied upon by Mr R makes this point.

Mr R has said that the vent failed due to the build-up of scale, but this isn't supported by any expert evidence and in any event, scale build-up isn't necessarily British Gas' fault. British Gas is entitled to rely on the view of its experts which say the vent simply failed. There's no independent evidence to contradict this. And I note that Mr R has referred to information which confirms that vents can simply fail. I think it's more likely than not the vent just failed and I can't find that it was due to the build-up of scale or any failing of British Gas.

my final decision

My final decision is that I don't uphold the complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 27 July 2019.

Claire Sharp
ombudsman