

complaint

Mr B has complained about the service he was provided with by British Gas Insurance Limited under his home emergency insurance policy.

background

Mr B has had a home emergency policy with British Gas for many years. The policy includes an annual boiler service. In September 2014 a British Gas engineer attended Mr B's property to carry out an annual service on his boiler. The engineer found a hole in the flue which meant the boiler was dangerous. He told Mr B it couldn't be repaired. And because the manufacturer had discontinued that part because of the age of the boiler, it couldn't be replaced either. The engineer then capped off the boiler. Mr B said British Gas advised him to replace the boiler- which he did.

Mr B complained to British Gas several months later. He said he found a replacement flue online. So his old boiler could've been repaired and he didn't have to replace it.

British Gas said it will only use parts which have been approved by the manufacturer and not ones found on the internet. It said the boiler stopped being produced in 2001 and the flue was discontinued in 2006. British Gas also said the boiler was installed in 1980 and it had been advising Mr B to replace it from 2009.

Mr B said the boiler was installed in 1998. And British Gas had tried to get him to replace it in previous years but it was always repairable. He said when the engineer visited him on the last occasion he decided within minutes that the boiler was dangerous. Mr B also believed any flue could be adapted to fit his old boiler.

British Gas didn't change its view. It said it will only use parts recommended by the manufacturer so it wouldn't adapt other parts to fit Mr B's boiler. And it told us it didn't have to replace Mr B's boiler because it was over ten years old.

Mr B then complained to us. He said he'd also had problems with the installation of the new boiler and he had to pay a kitchen fitter to allow access to it because the way it had been installed meant there was no access to it for inspections. He said he also suffered a lot of distress because of British Gas's delaying tactics.

Our adjudicator didn't think the complaint should be upheld. He said he couldn't look into problems with the installation of the boiler because the installation isn't a regulated activity. But he said British Gas acted reasonably when it advised Mr B the replacement flue was no longer available. Mr B didn't agree and the complaint has been passed to me for a decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I don't think this complaint should be upheld.

the installation of the new boiler

Mr B complained that there were delays with the installation of his new boiler. He also said the way the boiler was installed meant that access to it was blocked by a cupboard. He had

to pay a kitchen fitter to make sure there was access to the boiler so it could be serviced. He said when an engineer managed to inspect the boiler he said there was a part missing which he replaced. Mr B was charged £50 for it. He said the engineer told him this part should've been included when the boiler was installed; and without it the boiler was dangerous.

British Gas said we can't look at this aspect of the complaint and our adjudicator agreed. Because the installation doesn't form part of the contract of insurance between Mr B and British Gas, I also don't think I can look at this aspect of Mr B's complaint.

the replacement part

Mr B said he was able to find the replacement flue online so British Gas shouldn't have advised him to get a new boiler. British Gas said it checked with the manufacturer and also with its approved suppliers and it wasn't able to find a replacement part. The specific part was discontinued in 2006. It said there may be parts on the internet but if it is to use a replacement part it has to be approved by the manufacturer.

On balance, I think the part was discontinued a long time before Mr B's claim. From what I've seen I think British Gas acted reasonably when it said the part is unavailable and the boiler couldn't be repaired. And I wouldn't expect British Gas to use a part that isn't approved by the manufacturer.

British Gas said it didn't have to replace Mr B's boiler. The policy says if British Gas can't repair a boiler it has to replace it if it's under ten years old or if it exploded or caught fire. British Gas said Mr B's boiler was 35 years old. And it didn't catch fire or explode. Mr B said it was installed in 1998. Even if it was installed in 1998, it still means the boiler is over ten years old. So British Gas doesn't have to replace it.

Mr B said that any flue could've been adapted to fit the boiler. British Gas said that isn't the case. Without any evidence from an engineer I can't say either way. But I don't think it would be reasonable to expect British Gas to replace the flue with a part that isn't recommended by the manufacturer. And if a flue isn't specifically made to fit a particular boiler I don't think a manufacturer would approve it.

the offer

Mr B said British Gas had offered him £100 in 2014 but now it says it has no trace of it. This is something Mr B raised after British Gas's final decision letter so it's not something I can consider as part of this complaint.

my final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 26 October 2016.

Anastasia Serdari
ombudsman