

complaint

Mr O is complaining that British Gas Insurance Limited (British Gas) hasn't repaired damage it caused to a wall after he made a claim on his home emergency policy.

background

Mr O contacted British Gas in October 2016 to claim under his home emergency policy for a leaking water pipe. British Gas's engineer repaired the leak, but had to make a hole in the wall to access the pipe. But it says that the wall was already damaged by the water leak. So it doesn't have to repair it.

Mr O says that the terms of the policy say that British Gas has to repair damage it makes in fixing the leak. British Gas didn't agree so Mr O asked this Service to step in.

Our investigator didn't think British Gas needed to repair the damage to the wall. But she thought it could've given better customer service and recommended it pay £50 in compensation. British Gas agreed to do so. Mr O didn't agree with the investigator and asked for an ombudsman to review the complaint.

my findings

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

I've come to the same conclusion as the investigator for largely the same reasons.

Mr O's home emergency policy requires British Gas to repair any leaking pipes and make good any repair for damage it caused in getting access to the pipes. But it also says that it doesn't cover damage that's covered by another type of insurance policy – e.g. a home insurance policy.

There's no dispute that British Gas made a hole in the wall to gain access to the leaking pipes. And the engineer had to do so to repair the leak. The issue I have to decide is whether British Gas should've also filled the hole back in. I don't think it did and I'd like to explain why.

In this case, British Gas says that the wall was already damaged by the leaking pipe. And this damage would've been covered by his home insurance policy. I note Mr O says there wasn't any damage to the wall. And he's sent in photos of the wall in its current condition. He says it's entirely dry and the only marks are cosmetic. I've taken what he's said into account, but I think it's most likely that the leak would've caused some damage to the wall.

I understand that the leak was in the ceiling. Given that the engineer was immediately able to identify the source of the issue, I think it's clear that there was evidence of the leak on the wall. The engineer has told us that there was clear evidence of the water leak and water was dripping when he arrived. And he says that there was already damage to the ceiling and the plaster was mouldy and beyond repair.

I can see that there are a number of water marks at the bottom of the wall. So I think this suggests that water would've come down the wall from the water pipes in the ceiling. And, I

think it's likely the leak would've caused some damage to the wall and ceiling while doing so. On balance, I think this supports the engineer's statement.

So I think it's most likely that the leak had already caused damage to the wall and ceiling. So the damage is something that would be covered by a home insurance policy. And I don't think British Gas needs to repair the damage it caused in accessing the pipes.

But I can also see that there were some significant delays in British Gas responding to Mr O during the claim. And I can see that there was further confusion when Mr O called to discuss whether the hole would be filled in or not. The investigator thought British Gas should pay Mr O £50 in compensation for this. I think this is a fair amount of compensation in these circumstances.

my final decision

For the reasons I've set out above, British Gas Insurance Limited doesn't need to repair the damage it caused. But it should pay Mr O £50 in compensation for the way it handled the claim.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 7 August 2017.

Guy Mitchell
ombudsman