

complaint

Mr R has complained about British Gas Services Limited. He believes it condemned his boiler unnecessarily under his HomeCare policy.

background

Mr R says that British Gas incorrectly condemned his boiler. He's seeking compensation for the cost, distress and inconvenience he suffered getting it replaced.

Mr R's boiler had been serviced by British Gas for many years. It was about 30 years old. In April 2015 Mr R's boiler stopped working and he arranged with British Gas for an engineer to visit. On inspecting the boiler the engineer said that it wasn't safe due to a hole in the combustion case. As the boiler was now obsolete it wasn't possible for the engineer to get a replacement part. So the engineer disconnected the boiler.

In May 2015 Mr R arranged with British Gas to have his boiler replaced. After a new boiler was fitted the old one was placed in Mr R's garden. When he looked at it he believed the hole was a manufacturing feature and not a fault. He complained to British Gas.

British Gas visited Mr R and examined the boiler. It told Mr R that the hole should either have had sealant or a weld blocking up the hole. Mr R disagreed and said the hole had always been present. So British Gas agreed to investigate with the manufacturer.

Unfortunately as the boiler's manufacturer no longer existed British Gas wasn't able to get any information. But it didn't accept that the hole had always been there. It said that it wasn't possible for the hole to have been missed during any of the other annual inspections. It believed the boiler was unsafe. Mr R complained to this service.

Our adjudicator investigated the complaint. She recommended that Mr R's complaint wasn't upheld. She didn't think it was likely that British Gas would've ignored the hole during past services. Taking into account the age of the boiler she wasn't satisfied the hole had been there since it was installed.

Mr R didn't agree with the adjudicator's opinion and so the complaint was passed to me.

my findings

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

Both British Gas and Mr R agree that the hole in the combustion case was a design feature. There is disagreement about whether it was sealed. British Gas says that sealant would be expected on similar designs. It also says the company who took over the original manufacturing company has confirmed this.

Mr R has said that if there had been sealant which had come away then British Gas should've simply replaced it. He says that it has done this for another part in the past and sent in a photograph as proof. But British Gas says it doesn't have a record of that work. And it wouldn't have undertaken a repair of that type.

So looking at the evidence I don't think it's likely that British Gas would've only just recently noticed the hole if it had always been there. I think it's likely that the hole was either covered

in sealant or welded. And that when that came away British Gas considered the boiler was dangerous. This was a reasonable decision for it to make.

I've also seen from the notes British Gas made on each inspection of Mr R's boiler that it's been recommending he replace the boiler since 2009. So I think this does show the boiler was coming to the end of its life and that problems or faults would become more likely.

I don't have any evidence that British Gas has used sealant on Mr R's boiler in the past. He says it must have done because it was the only one to service it. But I think British Gas kept detailed records of the work it did on the boiler and it doesn't mention this repair having been undertaken. As using sealant would be a 'modification' to the boiler I think British Gas was justified in not doing that type of repair when the hole was found by the engineer.

I think British Gas acted reasonably in condemning Mr R's boiler in the circumstances and I'm not upholding his complaint.

my final decision

I'm not upholding Mr R's complaint against British Gas Services Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 29 February 2016.

Jocelyn Griffith
ombudsman