

complaint

Ms D complains on behalf of her mother that British Gas Insurance Limited caused a second leak at her property, causing damage.

background

In November 2013, British Gas were contacted to report a leak at the property.

British Gas arranged for an engineer to attend the same day. The engineer said that hot water was pumping into a tank in the loft and was causing it to overflow. The engineer reduced the water level, altered a pipe and attempted to adjust the ball valve. The ball valve broke and the engineer fitted a replacement.

The engineer said that he believed that there was a blockage causing the hot water to flow into the tank and deemed the system to be a risk and switched the boiler off. Due to Ms D's mother's age, the engineer said that the boiler could be used for short periods each day but recommended that the boiler and system be replaced, and that using it would be at the owner's risk.

British Gas were contacted again later that month as water was coming through a ceiling at the property and when the tank in the loft was checked, it was found that the overflow pipe was not connected to the tank.

An engineer attended the same day and diagnosed that the overflow pipe had snapped and fitted a replacement. He also found that the boiler had suffered electrical damage due to the leak and deemed it dangerous to use.

Ms D complained to British Gas on behalf of her mother, as the private engineer who subsequently replaced the boiler had found that the ball valve had been fitted incorrectly and that this was possibly the cause of the second leak.

British Gas did not accept responsibility for the damage caused as it said its engineer had recommended that the boiler not be used and that doing so was at Ms D's mother's own risk. It also did not believe that the ball valve had been fitted incorrectly and that it believed the leak had been caused by hot water being pumped in to the tank and causing the overflow pipe to snap.

Our adjudicator believed that British Gas was responsible for the second leak as a report from the private engineer stated that the ball valve had been fitted incorrectly, He also did not believe that the boiler had been used against British Gas' advice as the engineer had said it was ok to use occasionally and had programmed the timer. He also believed that it was more likely that the overflow pipe had been damaged by the first engineer and not by hot water from the system.

As there had been two leaks our adjudicator did not believe it would be possible to quantify what the cost of repair the damage caused by the second leak alone would be. Because of this, he recommended that British Gas pay £200 compensation for the distress and inconvenience caused.

British Gas did not accept our adjudicator's recommendations as the engineer would have tested the overflow pipe during the first visit. It also said that the heat of the water could have caused the overflow pipe to snap.

The complaint has now been referred to me.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

In this case, having considered the report from the private engineer, I am satisfied that the ball valve was incorrectly fitted.

In normal circumstances the overflow pipe on the tank would deposit the extra water outside the property and prevent damage being caused. Both parties have agreed that the overflow system was somehow damaged and that this is what caused the second leak. What is in dispute is the cause of the damage. Ms D has claimed that British Gas' engineer caused the pipe to become disconnected when fitting the new ball valve.

British Gas said it believed that hot water had entered the tank due to a blockage and this had damaged the overflow pipe. It also said its engineer tested the ball valve after fitting it.

In situations like this, there is no way for me to know what has happened for sure, and I can only make my decision based on what I consider most likely. However, I have noted that the private engineer has said in his report that when replacing the boiler and system he was unable to find any blockages.

Whilst I appreciate that British Gas has said that its engineer tested the ball valve, it was fitted incorrectly and its engineer was the only person to work in the area prior to the second leak. I therefore consider it possible that it was British Gas' engineer that caused the overflow pipe problem or at least contributed to it.

However, as a leak had already occurred at the property, it would not be possible to determine for sure what damage was caused by the second leak alone. Equally I cannot know for sure what risk warnings were given regarding continued use of the system after the first visit, and it does seem likely some risk warning would have been given, as replacement of the system had been recommended.

I am satisfied that an award of compensation is appropriate, but this should not relate to repair costs that I cannot fairly attribute these based on the evidence I have.

my final decision

For the above reasons, my final decision is that I uphold this complaint at least in part. I require British Gas Insurance Limited to pay £200 compensation for distress and inconvenience caused.

Christopher Tilson
ombudsman