

## **Complaint**

Mrs L is unhappy that British Gas Insurance Limited haven't accepted they're responsible for damage to her property following an expert report being provided.

Mr L has been leading the complaint, but Mrs L is the policyholder, so I'll refer to her throughout most of the decision.

## **Background**

In a previous complaint, it was accepted that British Gas had caused a leak in Mrs L's property, but the damage claimed for by Mrs L couldn't easily be attributed to British Gas. Mrs L was asked to get an expert report to determine how and when the damage was caused. And if she was unhappy with British Gas' response to this expert report, she could ask us to look into things.

Mrs L arranged for an independent expert report which was produced in December 2018. Mrs L says this shows British Gas were responsible for the damage caused in her property, and asked British Gas to pay the costs she'd asked for.

British Gas, in summary, said they're not prepared to accept responsibility for fixing Mrs L's property. They said the report does comment on damage evidenced when the engineer visited the property, but doesn't say when or how the damage was caused.

Mrs L didn't accept this, and asked us to look into things.

Our case handler did so, and ultimately didn't agree Mrs L's complaint should be upheld. She felt the report didn't show British Gas were responsible for the damage caused at the property.

Because Mrs L remains unhappy, this complaint has been passed to me to decide.

## **My findings**

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

Mrs L has mentioned several times that British Gas accepted responsibility for what happened. But this was a point considered and answered by the previous final decision – so it's not something I've considered.

The only issue I'm considering is whether the expert report, paid for by Mrs L, shows British Gas are responsible for all the damage to the property. Having considered the report, I'm satisfied it doesn't, so I won't be upholding this complaint. I'll explain why.

I've read through the report. It clearly comments on some damage noticed when the engineer carried out their visit – saying it's likely it was caused by the leak.

But British Gas' argument to this is there's no evidence or confirmation of the cause of the damage. My understanding of their argument is, effectively, that the report doesn't say they're responsible for all of the damage Mrs L has claimed for.

Understanding who was responsible for what happened can be difficult to establish in situations like this. That's why we said if Mrs L wants us to consider this further she'd need to get an expert report – and if that showed the damage was caused by British Gas then it would be considered.

Mrs L feels very strongly that this report does show British Gas are responsible. But the report itself doesn't say this. It does talk about damage, but doesn't actually say everything Mrs L's claimed for is British Gas' responsibility. But I couldn't see we'd directly asked the surveyor company who provided the expert report whether they thought British Gas were actually responsible. So before I wrote this decision, I asked our investigator to get in touch with them to ask this question.

Their response says they can't say who is responsible for the damage. They do make reference to the leaks, and I can understand why Mrs L may feel this proves her point. But I'm not persuaded this is enough given they go on to say they're sorry they can't be more definite about whether it was British Gas or not.

On balance I'm not satisfied that the report shows they are responsible for all the damage – so I won't be ordering British Gas to pay for the repairs Mrs L has asked for.

I've also noted that Mrs L has had further issues in June 2019 with a burst pipe. Because these issues happened after this complaint I can't consider it. Financial businesses such as British Gas have to look into any new complaint issues before we can consider it. Mrs L has said these issues are linked – and that may be the case although I'm making no finding on that – but the *complaint* about this only happened after this complaint had been made. So Mrs L will need to raise her complaint to British Gas first – and then if unhappy we can look into things. I can see our investigator has explained this.

I've also noticed that the report seems to say the taps weren't actually fitted properly. I'd expect British Gas to look at this, and try and resolve it to Mrs L's satisfaction. If they can't, then Mrs L can't bring this complaint back to us also.

### **My final decision**

It follows I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 3 November 2019.

Jon Pearce  
**ombudsman**