

complaint

Mr and Mrs W complain that Allianz Insurance Plc mishandled a claim on a motor trade insurance policy.

background

Mr W worked for a sole trader who ran a car garage. Mr W's wife Mrs W was driving when she and a third party were involved in a road traffic incident in September 2015. Mr and Mrs W complained that the garage's insurer Allianz wouldn't deal with the third party's claim.

The investigator didn't recommend that the complaint should be upheld. She thought that it was reasonable for Allianz to refuse the claim, as Mrs W's car wasn't covered under the policy at the time of the accident.

Mr W disagrees with the investigator's opinion.

my findings

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

A broker acted as intermediary between Allianz and the sole trader who ran the garage. The sole trader was the policyholder.

The Financial Ombudsman Service can only deal with complaints against one regulated firm at a time. I'm dealing with a complaint against Allianz. I make no findings in respect of the actions of the broker.

I accept the broker's letters confirming that Mr and Mrs W were noted on the policy at the time of the accident in September 2015.

But the policy only covered any motor vehicle which was the property of the policyholder or in his custody or control in connection with his business.

At the time of the incident Mrs W was driving her car.

I've seen its Driver and Vehicle Licensing Agency registration document V5. That records the registered keeper. It says the vehicle was registered to Mrs W at her home address. Before her name there appears an incorrect version of the trading name of the sole trader. But the V5 doesn't include his name or address.

So the V5 falls a long way short of persuading me that the sole trader either owned the vehicle Mrs W was driving or that the sole trader had custody or control of it.

I think the reality was that Mrs W owned the car and had custody and control of it.

Therefore, her car wasn't covered under the policy.

And I can't say that Allianz treated Mr or Mrs W unfairly by declining to deal with the third party's claim or any claim by Mr and Mrs W for damage to her car.

I don't think it would be fair and reasonable to order Allianz to do any more in response to this complaint.

my final decision

For the reasons I've explained, my final decision is that I don't uphold this complaint. I make no order against Allianz Insurance Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs W to accept or reject my decision before 4 August 2017.

Christopher Gilbert
ombudsman