

complaint

Miss T has complained about National House-Building Council (NHBC). It provides the building warranty for the block of flats where she lives. She thinks it delayed making a settlement for a claim made in respect of common parts of the property.

background

Miss T lives in a flat within a block that NHBC issued a building warranty for. Her home suffered water ingress around the windows. NHBC became involved under Section 3 of its policy. In 2015 and into 2016 investigations were on-going into the damage.

In December 2016 NHBC issued a final response to Miss T in respect of a complaint she'd made about how long enquiries were taking. Miss T felt the claim could have been resolved in 2016. NHBC accepted that there had been some delays to date and offered £500 compensation. It said the claim was accepted and it had asked for quotations for repair to be returned to it. It said following this it would look to issue a cash settlement.

Quotes were received in February 2017 but by August 2017 no settlement had been made and Miss T complained to NHBC again. In September 2017 NHBC issued a further final response in which it accepted that there'd been further delays but explained that all 28 residents needed to agree to the settlement. It offered a further £500 compensation. It said that 22 out of 28 signatures had been received, a settlement on that basis would be made.

Miss T remained unhappy and complained to this service. Our investigator felt that NHBC had caused delays but had provided adequate compensation.

Miss T wasn't satisfied. She said she had sold her flat finally in 2018 but at a lower price than she should have received due to the lengthy and on-going repairs. She said there had been further delays in December 2017 and a total of £1,000 compensation for 4-5 years of works was unacceptable.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, and with regret for any upset this will cause Miss T, I'm not going to uphold her complaint. I think NHBC has provided fair and reasonable compensation.

I think NHBC did cause some delays. Notably in 2017, prior to its final response, it took time to complete reports and didn't clearly explain that all residents would need to sign to agree to the cash settlement. It was particularly unfortunate that delays occurred at this point when NHBC had previously accepted that it had already caused delays during 2016.

Progressing a claim of this nature would always have taken some time. I can only require NHBC to provide compensation in respect of upset caused by avoidable delays. From the evidence I've seen I'm satisfied that NHBC has fairly compensated Miss T in this respect.

I can't consider whether NHBC caused further delays after the date of its final response issued in September 2017. And, whilst this service can award compensation for financial losses caused by insurers' avoidable delays, in the first instance, if Miss T feels she can show that her house sale was directly affected by delays she should tell NHBC this and

provide evidence of that. Her financial loss would then have to be considered separately to the distress and inconvenience she's suffered.

my final decision

I don't uphold this complaint. I don't make any award against National House-Building Council.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss T to accept or reject my decision before 21 April 2019.

Fiona Robinson
ombudsman