

complaint

Mr B is unhappy with the service he received from Aviva Insurance Limited when he claimed on his home emergency insurance policy.

background

Mr B had an Aviva 'Homeserve' home emergency policy. Any reference I make to Aviva includes their agents. Mr B is unhappy with the service he received in 2017 and 2018 during the course of a claim relating to his boiler.

In summary, Mr B is unhappy because he says Aviva didn't correctly deal with a gas leak and boiler replacement at his home. He says that the leak was identified in November 2017. He's unhappy the leak wasn't sorted out because it left the house unsafe. He says nothing happened until January 2018 when, after more visits, the leak prevented Aviva from fitting a new boiler.

He's explained he had to get an engineer to turn the leak off and that he had to pay for a lot of extra gas during the time it was leaking. He's also unhappy that Aviva dug out a trench but left it open which wasn't safe. He explained he ultimately arranged for a new boiler to be installed by different engineers. Mr B says he is out of pocket by several thousand pounds for the costs he incurred during this period of time.

In February 2018 Aviva issued a final response letter. They said that the engineers attended to fit a new boiler but couldn't because of the gas leak and that the gas meter also needed upgrading. The letter also invited Mr B to send in an engineer's report if he was unhappy with their engineer's conclusion that the boiler was beyond economic repair.

Our investigator looked into what had happened. She assessed the complaint and made a number of recommendations, which both sides disputed. Her final recommendations were that Aviva should pay for:

- Mr B's estimated gas bill of £70.56 for the period of time the gas was leaking
- £386.81 for the cost of a new boiler
- £250 compensation for distress and inconvenience
- £250 call out charge (subject to proof of payment).

Aviva agreed to the above recommendations but explained that they'd need to see an invoice or a bank payment to a business in order to cost the cost of the call-out charge. They also explained they'd want to ensure that the engineers 'gas safe number' was provided as well.

Aviva said the policy didn't cover external gas supply pipes and they'd only completed this work because it was necessary as part of the boiler installation. Our investigator agreed that the policy didn't cover work to Mr B's external pipe in the circumstances.

Mr B didn't agree. In summary he remains unhappy that Aviva won't pay for the significant costs in relation to the trench. He says that he is left open to public liability claims and can't afford to get the trench sorted out. So I need to make a decision.

my findings

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

The policy covers issues relating to the gas supply pipe. The policy terms and conditions define the 'gas supply pipe' as:

"The gas installation pipework (up to 3.5mm diameter running from the outlet of the gas meter to the isolation valve of any appliance)".

The policy doesn't cover the gas supply pipe before the meter (on the basis it is the responsibility of the National Grid) or any appliance connected to the gas pipe.

Aviva has a responsibility to handle claims promptly and fairly and they shouldn't reject a claim unreasonably.

I'm upholding Mr B's complaint in part for the reasons I'll go on to explain.

- There's limited information about what happened when engineers first attended Mr B's address back in November 2017. Mr B says a gas leak was identified at that point. Aviva hasn't provided much evidence on that point but the notes from the visit don't make any mention of a gas leak. In any event Mr B didn't do anything further until January 2018. If Mr B had been told there was a gas leak I'd have expected to see evidence of him contacting Aviva much sooner and more regularly
- I understand that Mr B incurred the cost of getting the leak sorted out. I think it is reasonable that Aviva cover the cost of this appointment, subject to Mr B providing an invoice or evidence of the payment to a company on his bank account. Mr B will also need to provide the engineers gas safe number. I also think it is reasonable that Aviva pay for the additional gas used in the relevant time period which Mr B has estimated to be £70.56.
- Mr B has provided evidence that in February 2018 a leak on the gas main was identified and the supply was suspended. An engineer visited again a few days later and explained that the gas meter was some distance away from the main property. A pipe needed replacing between the meter and the main building
- The new boiler couldn't be installed until all of this was sorted out and this took some time to organise – there were several appointments in February and March but some of these didn't go ahead as planned. For example Mr B says on one occasion the wrong size pipe was ordered. I understand that this left Mr B, in the winter time, without use of gas at a time when he was experiencing pneumonia and COPD. Although Aviva offered Mr B some heaters, by that time he'd got his own sorted out. So I can appreciate this caused him some distress and inconvenience. I think £250 fairly reflects the trouble and upset he experienced.
- By April Mr B was understandably frustrated with the time that this was taking. Works were progressing but I can understand why Mr B wanted to go elsewhere. Mr B instructed his own engineers. That was, however, his choice. Aviva has agreed to pay the cost of the boiler it would have fitted, at the price it would have paid. As that is what they would have offered Mr B I think that's a fair offer.

- Aviva says that their policy only covers internal gas supply pipes as the external supply pipes are the responsibility of the provider. That is set out in the terms and conditions I've referred to above. I can see that the quote for the trench said it was *"To replace underground gas MDPE pipe from gas meter to gas lever valve on the side of the building"*. So I think Aviva has acted reasonably by carrying out work on the pipe between Mr B's gas meter and the valve. This goes beyond what the policy covers and I understand was only done to ensure the boiler could be installed
- I've thought about whether it is fair for Aviva to do anything more in relation to the trench, which Mr B says has been left unsafe. The notes on Aviva's system say the trench was backfilled. That's consistent with the pictures I've seen. It's not uncommon for home emergency insurance policies to exclude the cost of reinstating a trench or garden to how it looked before the work was done. Mr B's policy contains similar such exclusions in relation to the 'plumbing and drainage' section of the policy. And, as the policy only covers internal gas pipes, I don't think it is unreasonable for Aviva to decline to cover the additional costs Mr B wants them to.

putting things right

Aviva needs to put things right by paying:

- Mr B's estimated gas bill of £70.56 plus 8% simple interest from the date of the estimated payment to the date of settlement*
- £386.81 towards the cost of a new boiler plus 8% simple interest from the date he made the payment to the date of settlement*
- £250 call out charge (subject to proof of payment) plus 8% simple interest from the date of the payment to the date of settlement*
- £250 compensation for distress and inconvenience caused by the reasons I've outlined above.

my final decision

I'm upholding this complaint in part and directing Aviva Insurance Limited to put things right in the way I've outlined above. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 20 October 2019.

Anna Wilshaw
ombudsman

*If Aviva considers that it's required by HM Revenue & Customs to take off income tax from that interest it should tell Mr B how much it's taken off. It should also give him a certificate showing this if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.