

complaint

Mr W and Ms M complain that British Gas Insurance Limited's (BG) engineer damaged the wooden flooring in their home when changing a radiator under their HomeCare policy, and BG has unreasonably declined to pay for the damage.

background

Mr W said that when BG's engineer serviced their heating system, he drained a radiator to remove corrosive material, but failed to secure the drain points allowing rusty sludge to emerge. Mr W said that he and the engineer used sponges to clean up where they could, but the puddle had spread to about four feet by nine feet. He said it wasn't easy to see how badly the flooring was stained until later.

Mr W said the engineer later denied the events had happened and said there was extensive pre-existing staining. Mr W said although there had been a drip, this had only led to staining concentrated in a few inches immediately below the radiator and away from the stain caused by the engineer.

BG said the floor was already damaged by an initial leak. It said it directed Mr W and Ms M to their home insurer, but the insurer had said it was a matter for BG. BG said its engineer advised there were stains all over the floor, not just under the radiator. The engineer said the second leak was cleaned up quickly and he didn't think it had caused any further damage.

BG said it wasn't possible from Mr W's photos or its engineer's photos to determine when each lot of damage was caused. BG said it didn't accept liability for the damage to the floor as there was evidence of pre-existing damage. It offered a goodwill gesture of £50 for the inconvenience of having to clean up the second leak.

The investigator recommended that the complaint be upheld. She said the engineer hadn't closed all the valves and water went over the floor. She said that later that day Mr W and Ms M noticed dark marks on their floors. And from the evidence she thought the damage wasn't due to the initial, localised leak as the affected area is larger, suggesting a bigger spill.

The investigator said BG's engineer offered Mr W and Ms M's £500 off a new boiler, which suggested he was aware the leak had caused further damage. She said BG should replace Mr W and Ms M's floors or do a full sanding, cleaning and sealing to their current floors.

BG disagreed. It said there'd already been a leak for an unknown period, which could have travelled on the floor. It said the water from its engineer's leak wasn't on the floor for any length of time and so may not have caused any additional damage. BG said it may only be liable for a very small contribution, and offered to send an assessor to review the flooring. BG said the £500 off a new boiler was available to all existing HomeCare customers.

BG said the assessor's report found that the wooden flooring had been stained over an area approximately one metre squared, directly in front of the radiator. BG said it's clear there was some existing damage where the radiator originally leaked. It said its position remains the same, as you cannot damage something twice. BG refused to provide our service with a copy of the assessor's report and requested an ombudsman review the complaint.

my findings

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

BG acknowledged that its engineer had caused a leak at Mr W and Ms M's home, but said this didn't cause any damage and it wouldn't pay for the floor to be repaired. BG said that there was no obvious difference in the floor staining after the leak caused by its engineer.

I've looked carefully at the descriptions and photos of the flooring to understand what happened and whether or not BG has been fair to refuse to pay towards the repair of Mr W and Ms M's floor.

It appears that Mr W has described the existing staining to his floor and its extent. He said that's why he called out BG and he'd been happy to take care of this damage. From what I've seen, the engineer replaced the radiator, but in testing the new one hadn't checked all valves were closed leading to flooding. This appears to have caused quite and extensive leak and the engineer and Mr W cleared this up quickly. But I don't think that means that staining wouldn't emerge over time.

BG said water from the original leak could've travelled. This is a possibility, but BG hasn't provided any proof that this is what happened. BG obtained a report from an assessor on which it relied to confirm its position that it isn't liable for the damage. Unfortunately, BG has refused to provide a copy of the report to our service. But according to BG the assessor found that the wooden flooring had been stained over an area of approximately one metre squared, directly in front of the radiator and that this had been caused by a leak.

The staining described by the assessor is of a much bigger area than has been described and photographed by Mr W of the initial leak. And so, I think it's more likely than not that it was the second, bigger leak which caused the staining to Mr W and Ms M's floor.

Large quantities of water on a wooden floor can affect it badly, even if removed quickly as in this case. From what Mr W and the assessor have said it wasn't just water that escaped but 'fernox and slurry' that had been trapped within the heating system. And so I find it likely that this caused the damage to the flooring that Mr W and the assessor have described.

Because I think the damage to Mr W and Ms M's floor came from the second leak, rather than the drips from the heating system that caused Mr W to call BG to fix the problem, BG should make good the damage. BG can use its own contractor to do the work.

my final decision

For the reasons I have given above it is my final decision that the complaint is upheld. I require British Gas Insurance Limited to either replace Mr W and Ms M's floor or pay for a full sanding, cleaning and sealing to the affected flooring.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W and Ms M to accept or reject my decision before 12 June 2020.

Andrew Fraser

ombudsman