

complaint

Mrs U has complained that British Gas Insurance Limited's engineer attended her property under her Home Emergency policy and caused a leak at her property.

background

Mrs U made a claim under her British Gas Home Emergency policy in relation to her hot water and central heating system on 11 July 2013. A British Gas engineer attended on the 18 July to complete the necessary repair and undertook the annual service at the same time.

Within five minutes of the engineer leaving Mrs U noticed water coming through the ceiling of her living room and contacted British Gas. Although it initially advised that it would take four hours to get someone to attend, Mrs U's husband managed to track down the engineer in the local vicinity who returned to the property.

The engineer found that the ballcock in the water tank in the loft had failed and that the overflow pipe was not connected to the tank causing the leak. The engineer repaired the ballcock and fitted an isolation valve in the loft.

Mrs U complained to British Gas and then this service as she was of the view that its engineer caused the damage in the loft, as he entered the loft during the first attendance, which caused damage to her property. British Gas has paid Mrs U £50 compensation as it delayed in issuing its final response to her complaint.

Our adjudicator considered Mrs U's complaint and recommended that it should be upheld. He was of the view that the engineer's actions most likely caused the leak and asked British Gas to pay an additional £250 compensation for the stress and inconvenience caused. He was satisfied that the damage caused was covered by Mrs U's house insurance which is on-going.

As British Gas did not agree, maintain that its engineer was not responsible for the damage caused as he did not enter the loft, the matter has been escalated to me for a final decision.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. The issue for me to determine is whether British Gas' engineer is more likely than not to have caused the leak at Mrs U's property.

Although I can understand British Gas' position as it has outlined that its engineer did not enter the loft and so could not have caused the damage I am not persuaded. It is possible that the leak just happened immediately after the engineer attended but I am swayed, on balance, that it more likely occurred because of the engineer's actions. It is not disputed that he entered the loft, where the tank is housed, and I believe it more likely than not that his actions affected the leak, particularly because the damage occurred so quickly after his attendance. The suggestion is that the engineer only looked through the loft hatch during his initial attendance but British Gas' own investigation notes state:

"Detail Of Investigation Completed

Engineer called out to change valve on heating, gained access to attic to isolate valve on tank to drain ch. Tank did not have isolating valve to turn off water in attic so engineer turned off mains stopcock to house, drained ch system, replaced valve & turned water back on. After doing this & leaving the property, the customer noticed water coming through ceiling, after a while she managed to get the engineer back. His findings were the ballcock in the tank in the attic had failed & the overflow from this small tank was not connected, thus the tank had overflowed & instead of going outside was leaking in to loft space. He repaired ballcock & fitted valve in attic for future use. I have advised customer to go to own insurance, however she thinks we are liable, which i denied, so i am assuming her insurance will be in touch. Submitted PLF for info"

After looking at the above, I am in no doubt that the British Gas engineer did enter the loft on his initial visit. As the leak occurred shortly after his attendance, I find it extremely likely that the leak was caused as a result of the engineers actions. There was no sign or indication of a leak before the engineer entered the loft.

As such, I uphold Mrs U's complaint and award £250 compensation in addition to the £50 British Gas has already paid her for delay in dealing with her complaint. It must have been very stressful for Mrs U to have had to deal with the leak and fortunately Mrs U's quick actions, in finding the original engineer in the locality, prevented further damage. I am satisfied that the further damage caused is being advanced with Mrs U's insurance company which is appropriate in the circumstances.

my final decision

It follows, for the reasons given above, that I uphold this complaint and require British Gas Insurance Limited to pay Mrs U £250 compensation.

Colin Keegan
ombudsman