

## **complaint**

Mr W believes that Red Sands Insurance Company (Europe) Limited deliberately withheld from this service information concerning the status of a contractor. This was in respect of his previous complaint about work done at his property under a warranty.

## **background**

Mr W initially approached this service following a dispute he had with a contractor building an extension at his property. His claim under the warranty had been declined by Red Sands.

His complaint was decided at this service by an ombudsman. He found that the works hadn't been fully completed due to a dispute with the contractor. And he found that the contractor hadn't ceased trading under the terms of the policy. For both these reasons he found that the policy hadn't come into effect. So he didn't uphold the complaint.

Mr W has since approached us and argues that Red Sands deliberately withheld information from us concerning the solvency of the contractor. These include the fact that the managing director was made bankrupt. And that there was notice of intention to dissolve the company.

Our adjudicator didn't uphold the complaint. He believes that Red Sands had made all material disclosure to this service.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

I fully understand Mr W's arguments about company law and insolvency. But I'm not here to decide on his original complaint. The evidence which Mr W believes was deliberately withheld consists of a later company search of February 2014 which shows the company had given notice of intention to dissolve. This evidence was shown to the first ombudsman who has confirmed that it wouldn't have affected his decision.

So I have to decide whether Red Sands held back information. Its submission to this service was in February 2014 before I think the company search of the same month. I must decide whether any information was held back in order to persuade the ombudsman to make a different decision. At the time, it advised us that it was aware that there was a notice of intention to dissolve the company. This service was also aware of the bankruptcy search against the director.

So I'm satisfied that Red Sands didn't withhold any material evidence from this service. I don't uphold the complaint.

## **my final decision**

My final decision is that I don't uphold the complaint. I make no award.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr W to accept or reject my decision before 13 November 2015.

Ray Lawley

**ombudsman**