

complaint

Mrs K has complained Creation Financial Services Limited won't meet the obligations of the warranty given by her solar panel supplier. The supplier is no longer trading.

background

Mrs K arranged for solar panels to be installed to her home in July 2014. She took out a hire purchase agreement with Creation to get this work done.

In March this year, the panels stopped generating. She was unable to get hold of the supplier so complained to Creation. Creation didn't feel they were responsible for the problems she was having so she brought her complaint to the ombudsman service.

Our adjudicator discussed the issues with Creation and told them he felt they were responsible for her solar panels under the warranty Mrs K had with the original supplier. An assessment was carried out and following this repairs were completed. However Mrs K had lost the benefit of her solar panels – and the tariff alongside – for six months. Our adjudicator asked Creation to pay the money she'd lost (£371.50 and £42.14) along with £150 for problems she'd had.

Both parties agreed this was fair but Mrs K was still having problems with her solar panels (the meter system). She was worried about Creation doing what was needed every time she had any concerns with the panels. She wonders whether she'd have been better off getting them removed completely. She's asked an ombudsman to complete a final 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.

I've reviewed the evidence in this case which includes the warranty provided by Mrs K's supplier. This is wide-reaching and I feel it's fair she expects to rely on it when she has problems. There's no dispute Mrs K's original supplier can't do that themselves as they are no longer operating. I believe Creation accept the principle they're liable for the warranty now.

Like our adjudicator, I'm satisfied Creation step in to make sure Mrs K's warranty delivers what she was promised. Obviously they are not a solar panel supplier themselves, and they may find it easier to source a comparable warranty for Mrs K from another supplier. This may well suit Mrs K as she can be reassured she's dealing with a company who understands the problems solar panels may go through.

In the meantime, Mrs K has immediate problems with the meter which Creation must get sorted.

Creation also accepted our adjudicator's view they should pay her for the losses she had when she didn't benefit from her solar panels. This includes a loss of feed-in-tariff as well as additional money she had to pay on her bills. I believe this is two separate amounts of £371.50 and £42.14 which I agree Creation should pay her.

I also think Creation should give her £150. This is to compensate her for the problems she's had and the delays caused in resolving this case. I can see this has distressed Mrs K and made her feel unsure about getting things sorted.

I know Mrs K's been worried recently that if this was to continue, she'd have no choice but to give up her solar panels and ask to be reimbursed. I don't believe this is the right answer as it seems the panels are doing the job she wants when they're working. What she wants is some certainty her problems will be sorted. As it currently stands, I believe Creation have a commitment to her they must continue to meet. Although if they source an alternative supplier for the warranty, this may be best for both parties.

my final decision

For the reasons I've given, my final decision is to instruct Creation Financial Services Limited to:

- Pay Mrs K £413.64 for the losses she's had whilst her solar panels weren't working for six months;
- Sort out her immediate metering issues and make sure her meter works effectively;
- Review whether getting an alternative supplier to give her a full warranty service for her solar panels will be best and review this with Mrs K; and
- Give her £150 for the delays and distress caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs K to accept or reject my decision before 15 January 2016.

Sandra Quinn
ombudsman