

## **complaint**

Mrs R complains that, years after contacting National House-Building Council ("NHBC") under the terms of her Buildmark contract, it hasn't resolved the problems affecting her new home.

## **background**

Mrs R purchased a new home which came with a Buildmark contract provided by NHBC. Very soon afterwards, she reported that rainwater was causing staining of a wall. She involved NHBC the following year. It issued a number of Resolution Reports under its Resolution Service. The year after that, it accepted a claim under the insurance cover in section 2 of Mrs R's Buildmark contract. But, the next year, it issued another Resolution Report regarding the same issue. And, the following year, it again accepted a claim under the insurance cover. It said it would employ a contractor of its choice to carry out the necessary remedial work. But the work it carried out wasn't successful.

Finally, nearly five years after NHBC was first involved in this matter, it acknowledged that there had been delays. It said it would engage an independent expert to identify how to resolve the problem definitively. And it would pay Mrs R £1,500 as compensation for her trouble and upset.

When she referred her complaint to us, Mrs R said work had been carried out in connection with this problem every year since she bought the property. She wanted NHBC to resolve the problem and pay compensation.

Our adjudicator thought NHBC's offer was fair. But Mrs R doesn't think the amount offered is sufficient. And she wants NHBC to complete the necessary repairs.

## **my findings**

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

As NHBC will be aware, where it undertakes to carry out necessary remedial work (or to arrange that work), we think the work should be done effectively, efficiently and within a reasonable time. NHBC has accepted that it hasn't achieved that here.

Mrs R says she wants NHBC to resolve the problem. I think it wants that too. And that's why it's offered to employ an independent expert to identify all relevant issues and how to resolve them. That will enable it to fulfil its commitment to resolve the problem by carrying out (or arranging) the necessary work. Since its contractors have so far been unable to achieve this, I think its offer represents the best way forward. NHBC should ensure the expert, and the work he/she considers necessary, proceeds without avoidable delay.

I agree that NHBC should pay compensation for the trouble and upset that Mrs R has experienced as a result of the time this matter has taken since it became involved. And as a result of the various attempts that have been made to remedy the problem. I see that she's mentioned having to take time off work. She's also concerned that the value of her home may diminish. But I can't see why that should happen once the problem has been remedied.

Despite the very long time this matter has taken, I think NHBC's offer of compensation is fair.

**my final decision**

I don't uphold this complaint and make no award against National House-Building Council.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs R to accept or reject my decision before 11 April 2016.

S Lilley  
**ombudsman**