

complaint

The complaint is about a gas leak, which Mrs D and Mrs H say British Gas Insurance Limited should have detected.

background

Mrs D and Mrs H hold an insurance policy for their boiler underwritten by British Gas.

They moved into their property in 2001 and, in a letter to the property developer say they have smelt gas intermittently since then, although in a letter to us say that they were aware of a "strange smell" since 2006. However, they confirm that this was not reported to anyone until 2010.

British Gas attended in September 2010 to carry out an annual service on the boiler as part of the policy. The service passed all of the relevant safety checks and no gas leak or carbon monoxide levels were recorded. The engineer did, however, raise some concerns over the positioning of the gas meter, as I understand the housing it was in had broken and as a result it was submerged in water. He therefore contacted the gas supplier to report this.

Mrs D and Mrs H say that the engineer was told about the smell of gas in the en suite bathroom and hallway during that attendance but dismissed their concerns and did not fully investigate it.

The consumers have said that they continued to smell gas and in June 2011 when returning home one day the smell was considerably stronger and so they contacted National Grid who attended and identified a gas leak. British Gas then attended and located the leak in pipe work which was under the flooring and carried out a repair. I understand that when the pipe was first installed it had not been sealed properly.

British Gas has said that it completed the repair as a good will gesture and that the repair would not have been covered under the policy, as it was a "*design or existing fault*" excluded by the policy. In addition, the policy held by Mrs D and Mrs H does not include cover for pipe work.

Mrs D and Mrs H feel that the leak was there all along and that British Gas should have identified it during the annual service and that its failure to do so has affected their health as well as the health of children living at the property. Mrs D and Mrs H say that they attended their local GP on numerous occasions with various ailments that they now consider indicate the effects of gas inhalation. Mrs D and Mrs H also complain that they have been left without use of the en suite bathroom as the floor has had to be removed to carry out the repair. They want British Gas to pay them compensation for this.

In addition, they say that the British Gas engineer should not have left them in September 2010 with the gas meter submerged in water, and they have been told by the gas supplier that British Gas should have authorised the work required to make it safe.

Our adjudicator did not recommend that the complaint be upheld because there is no evidence that the consumers ever reported concerns of a gas leak to British Gas until National Grid had attended and confirmed that there was a gas leak. Following this, British Gas quickly identified the leak and carried out the required repair work.

Mrs D and Mrs H do not accept this and so the matter has been referred to me.

my findings

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

There is no persuasive evidence that the leak was present in September 2010 or that British Gas acted incorrectly in not identifying the gas leak then.

Mrs D and Mrs H have said they raised concerns about a gas leak to the engineer who carried out the annual service of the boiler, and he failed to investigate those concerns.

The engineer has been asked about this and does not recall any mention of a smell of gas. However, even if I assume that he was told of the “strange smell”, if he was unable to smell gas – and I note it was apparently intermittent and does not seem to have been strong at that time – and the boiler readings were all satisfactory and gave no indication of a leak elsewhere, then it is difficult to see what more he could have done at that time. I also note that the smell was not strong enough for Mrs D and Mrs H to report it to the appropriate authority until June 2011.

I am therefore not persuaded that there is sufficient evidence that British Gas was negligent and should have identified the leak in 2010. It follows therefore that even if the effects on their health had been proven – which they have not – British Gas would not be responsible for that. Neither is it responsible for the disruption caused in having the leak repaired.

Mrs D and Mrs H also say that the British Gas engineer should have carried out work on the gas meter to make it safe. However, I am not aware of any persuasive evidence that this would fall within its responsibilities when carrying out an annual service or under this policy generally. British Gas’ engineer reported it to the supplier – who I understand is responsible for the meter – and I am not persuaded that it was responsible for repositioning the meter.

There may be some force in an argument to say that, as well as reporting it, he should have turned the gas supply off but even if I accept he should have done so, there were no direct consequences of his not doing so as far as I am aware, and so I am unable to make any award or direction concerning this.

British Gas completed the repair work as a goodwill gesture. Mrs D and Mrs H assert that this is a “clear admission of responsibility” and means it has accepted liability for failing to identify the leak in 2010. However, I am not persuaded that this is the case.

my final decision

For the reasons set out above, I do not uphold this complaint against British Gas Insurance Limited.

Harriet McCarthy
ombudsman