

complaint

Miss P says she is unhappy with the installation of a boiler which she financed in 2014 through a fixed sum loan with Clydesdale Financial Services Limited.

background

In summary, Miss P says that the supplier hasn't installed the boiler properly. And it is causing leaks through the ceiling when it rains. Miss P says this has caused damage to her kitchen.

Miss P brought her complaint to Clydesdale in March 2015 under Section 75 of the Consumer Credit Act 1974. She wants it to put things right.

Clydesdale says that some work has been carried out to rule out the boiler installation as the cause of the leaks. But Clydesdale doesn't think it is responsible for doing any more. It says the ongoing leaks are due to the general state of Miss P's roof and not a problem with the boiler or the way it has been installed.

Our investigator thought that the ongoing problems Miss P was having were likely down to the condition of her roof rather than the boiler installation. So she didn't think it was fair to ask Clydesdale to arrange further repairs or pay compensation.

Miss P disagrees. In summary, she says:

- before the boiler was fitted there wasn't a leak;
- a professional has been to look at her roof and said it was fine;
- the supplier admitted that the flue was ill fitted; and
- rainwater is coming in where the boiler is, which is very upsetting and no one wants to correct it.

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 am sorry to hear that the leaks have caused Miss P so much distress. But I have to decide whether it is fair and reasonable for Clydesdale to do something more to resolve the issue. And I don't think it needs to. I will explain why.

It appears some extra work has been done to the flashing and seal around the flue but Miss P says her roof is still leaking. This makes me think that the leaks are due to another problem with the roof – which the written expert comments appear to reinforce.

There are two written assessments (one from the supplier) and both strongly indicate that problems with Miss P's roof that are not down to the installation of the flue. The experts mention that:

- the roof is in an overall poor condition – with corroded felt
- problems further up the roof are allowing rain water to run down the felt underneath
- the initial construction of the roof was incorrect which this means that water is more likely to come through

So it seems there is a mixture of wear and tear and previous poor workmanship that have caused problems with Miss P's roof. I'm not an expert but from what I can see from the photos Miss P's roof looks to be in generally poor condition. And I don't think this is down to the installation of the flue as it looks like deterioration over a number of years over a wide area.

Miss P says she is having water leaking in near the boiler, and has provided pictures to show this. I can see this is a horrible situation for Miss P, and I can see why she thinks it might be down to the flue. But one of the experts has said that due to the overall problems with the condition and construction of the roof the water will come in, and naturally fall to a certain part of the roof (the lower edge). This seems to be near the flue – so it goes some way to explaining why the leaks might be appearing around this area.

Miss P says that the supplier told her the problems are due to the installation of the flue – but the written reports don't say this. And one of those is from the supplier. I can't see why Miss P would have been told the opposite to what the reports say. And I know she says that a professional has told her the roof is fine – but there isn't a written report to confirm that.

It is of course possible that the installation of the flue has caused leaking. But I have to decide what I think is the most likely situation, and in this case the available evidence points more strongly towards a wider problem with Miss P's roof. Overall, I just don't think it would be fair to make Clydesdale pay for further work on the roof, or other compensation. I know this will disappoint Miss P but she doesn't have to accept my decision, and could possibly pursue her claim outside of this service.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 24 April 2017.

Mark Lancod
ombudsman