

complaint

Mrs H complains that Amtrust Europe Limited acted unfairly and unreasonably when dealing with her boiler. She wants compensation.

background

Mrs H had a home emergency policy with Amtrust, which covered her boiler and central heating. She said that Amtrust failed to properly investigate and deal with an issue with her boiler between June 2018 and February 2019. Mrs H believed that this caused her to be £400 in debt with her gas supplier as she said her boiler was switching itself on and using gas, and it didn't stop until an engineer replaced a faulty valve on the third visit when he witnessed what was happening. Before this, Amtrust had said the issue was due to the temperature of the thermostat set by Mrs H.

Mrs H complained to Amtrust. It said it had acted appropriately and in accordance with the policy's terms and conditions, but didn't set out why it so believed.

Mrs H complained to us. Amtrust said that the fault was intermittent and its engineers had said that it was impossible to catch unless present at the time the fault appeared. It also explained that the fault wasn't in the boiler, but part of the heating system, and that Mrs H didn't mention the fault was continuing until February 2019.

The investigator's view was that faults can be complex and difficult to diagnose, and a process of elimination can be required to find the fault (which can mean multiple visits). She noted that Mrs H didn't complain again about the fault after June 2018 until February 2019, so Amtrust couldn't visit and fix the fault without knowing that it was still continuing in her view. The complaint wasn't upheld.

Mrs H disagreed. She said Amtrust didn't believe the fault existed and failed to fix it until the third visit. Mrs H also said that it didn't matter how long she'd waited to contact Amtrust.

my findings

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

Mrs H's policy covers repairs to her boiler, controls and full central heating system, so the work required fell within the terms and conditions of the policy. The issue really is whether Amtrust acted fairly and reasonably in dealing with the fault. Mrs H feels that its engineers should've stayed longer and inspected the boiler and system in a more in-depth manner; Amtrust says that unless its engineers were present when the fault happened (which couldn't be predicted), there was nothing it could do and Mrs H didn't tell it that the fault was continuing.

I think that Amtrust couldn't fix a fault that it didn't know was continuing. On the first visit in June 2018 to look at the issue, the engineer didn't witness the fault happening and suggested that Mrs H reduced the temperature of her thermostat. This is part of the elimination process. Mrs H didn't tell Amtrust that the fault was continuing until the following February. Amtrust couldn't fix a continuing fault that it didn't know was continuing, so I can't say that it acted unfairly or unreasonably in the circumstances.

my final decision

My final decision is that I don't uphold the complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 1 September 2019.

Claire Sharp
ombudsman