

complaint

Mr F has complained that Tradewise Insurance Company Limited refused to pay two theft claims under his commercial vehicle policy.

background

Mr F has a commercial vehicle policy in order to buy and sell cars. He said his car was stolen at 'gunpoint' after he went to meet a man who wanted to buy it. He reported this to the police and told them he knew who'd taken his car and believed it was due to a personal dispute over finances. The police told him not to return home as documents in the car gave his address.

Also stolen with Mr F's car was a key for a second car that was kept on the drive at that address. When Mr F returned home with the police a few days later, he discovered this car has also been stolen. The first car was recovered by police but later scrapped as it wasn't collected.

Mr F told Tradewise he wanted to claim on his policy but it refused to pay. It said as the first car had been recovered there wasn't a claim to pay. It also said he should have 'safeguarded' the second car by moving it away from his address after the keys were stolen.

I issued a provisional decision on Mr F's complaint on 6 April 2016 where I explained why I didn't think Tradewise had done anything wrong by turning down Mr F's claims.

I said as the first car had been recovered any claim he made for it, would have been for damage. Mr F didn't tell Tradewise when his car had been released by the police, so I didn't think it was to blame for his car being scrapped. As his car had been scrapped, Mr F wasn't able to claim for any damage to it caused when it was stolen. So I didn't think there was a claim to pay for the first car.

I also said it was reasonable for Tradewise to turn down Mr F's claim for the theft of the second car because he knew it was vulnerable and hadn't taken any steps to minimise the risk of it being stolen. Mr F knew who stole the first car as he was involved in a financial dispute with them. And he knew they had the key. But he took no action to safeguard the car. I understood why Mr F was reluctant to move the car himself but said it would have been reasonable for him to ask the police, or a friend or family member to do it for him.

Tradewise accepted my provisional decision. But Mr F disagreed and asked me to reconsider my 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. Having done so, I'm not going to uphold it.

In response to my provisional decision, Mr F said Tradewise should have considered a claim for his belongings that were in the first car when it was stolen. But his policy doesn't provide cover for these items so I don't think Tradewise needs to pay him for them.

Mr F said he didn't have any family or friends to ask to move his car. But he told Tradewise's investigator that he was living with his brother-in-law as he couldn't go back to his house. I also think he could have arranged for a garage to move his car if someone was unable to drive it because the only key was stolen. I don't think he took reasonable care to safeguard his car. So I don't think Tradewise has done anything wrong by turning down his claim for this reason.

I appreciate the distress this experience has caused Mr F but I don't think Tradewise has done anything wrong.

my final decision

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 23 May 2016.

Sarann Taylor
ombudsman