

The complaint

Mrs O complains about Aviva Insurance Limited's (Aviva) handling of her claim, under her home emergency policy.

What happened

In June 2023, Mrs O reported an issue with her tap to Aviva. It sent an engineer who isolated the water and installed a new tap. Mrs O describes that during the engineer's attendance, she heard a loud bang. But it was only once the engineer had left, that she noticed that one of the newly laid bathroom floor tiles was cracked. She said that the engineer had caused the damage.

A few days later, she reported the damage to Aviva. It investigated the complaint. The engineer said that he didn't break the tile. He also said that the position of where the broken tile was, wasn't near where he had been working. And in any event, Mrs O had signed a disclaimer. So, Aviva rejected the complaint and maintained its position in its final response.

As Mrs O had been given her referral rights, she referred a complaint to our service. One of our investigators considered the complaint and didn't think it should be upheld. He said that he found the evidence from Aviva more persuasive. He said that there had been a delay in Mrs O reporting the damage to Aviva. And he didn't think overall, there was enough evidence to prove that Aviva's engineer damaged the tile. So, he couldn't recommend that Aviva do anything further here.

Aviva accepted the view, Mrs O did not. She said that our investigator had been biased and that Aviva were dishonest. She disputed that she had delayed reporting the damage to Aviva. She maintained that the tile had been damaged by the engineer who attended and said that she wouldn't have lied about it. So, she asked for a decision from an ombudsman.

What I've decided – and why

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 won't uphold this complaint, for much the same reasons as our investigator. I understand that this might be a disappointment to Mrs O, but I hope my findings go some way in explaining why I've reached this decision.

I've considered both parties comments, and the evidence they've provided. The main issue of this complaint is whether Aviva was fair to have rejected Mrs O's complaint on the basis that there was no evidence to support her opinion, that its engineer had damaged the floor tile.

Mrs O said that when the engineer attended, she stayed downstairs whilst he was carrying out the repair to her tap. She described hearing a loud bang and that she called up to him to ask him if everything was alright. I note that Mrs O didn't actually go upstairs to check this for herself.

In any event, she said that the engineer completed the repair and left. She said that she noticed that a tile (that had been recently laid) was now damaged. She believed that she called Aviva the day after and reported the damage.

Aviva said its engineer denied damaging the tile. Before carrying out the repair, he said that Mrs O had signed a disclaimer for the repair works. He said that the damaged tile was located near the door, and he wasn't working in that area. He admitted that he had caused a chip to the bath panel that he had to remove to affect the repair. But said that on replacement of it, he repaired it with some silicon.

Aviva has provided me with a call record, and it shows that Mrs O called on 23 June 2023 to report the fault with her tap. But it wasn't until four days later, that she reported the damage with the tile. Mrs O believed that this was much sooner and provided her call record as contrary evidence.

I have reviewed both records and they appear to be consistent, in that there is a call recorded on 23 June, which I think accords with the date that Mrs O made the claim. As well as a call recorded on 27 June, which is the date that Aviva said Mrs O complained about the engineer damaging her tile. Consequently, I'm satisfied that Mrs O reported the damage, four days after she said, she had.

I've also reviewed the photo of the damaged tile. Aviva said that the tile was located near the door. And from the photo, it does appear to be the case, as a door bar can be seen. The engineer said he was working on the bath panel which was away from the door.

I don't think that Mrs O has provided me with enough evidence that is contrary to this. For instance, Mrs O explains that whilst she was in another room, when the engineer was repairing her tap, she heard a loud bang and just called up to the engineer to check everything was ok.

Whilst I don't dispute that Mrs O heard this loud bang, I would've thought that this would've prompted Mrs O to visually inspect what had happened to cause the bang, whilst the engineer was present.

Further, it isn't clear why Mrs O wouldn't have checked the bathroom before the engineer left or why she waited four days before reporting the damage to Aviva. Because of this, I'm more persuaded by Aviva's account that its engineer didn't cause damage to Mrs O's tile.

Accordingly, I don't think there is sufficient evidence to suggest that the Aviva engineer damaged the tile. Whilst I can appreciate how upsetting this would've been for Mrs O, in the circumstances of this complaint, I haven't seen enough evidence to show that Aviva acted unfairly. I'm therefore not going to tell it to do anything further here.

My final decision

For the reasons given, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs O to accept or reject my decision before 20 December 2023.

Ayisha Savage
Ombudsman