

## **The complaint**

Ms C has complained about the quality of a car she acquired, using finance from STARTLINE MOTOR FINANCE LIMITED ('Startline').

## **What happened**

Ms C took out car finance with Startline. The car was seven years old, with a mileage of just under 46,000 miles.

Unfortunately, the car broke down shortly after Ms C took delivery of it. Her local garage identified a number of faults, which were later confirmed by an independent inspection arranged by the dealership. As well as finding the same faults, the inspection report stated:

- the fault codes didn't provide dates times or mileages of occurrence, so it's not possible to confirm when they first occurred. But running a diesel engine with a diesel/petrol mix could cause the DPF to clog rapidly due to poor burning of the fuels and may also cause excessive exhaust gas temperature; and
- a fuel sample confirmed there was both petrol and diesel within the fuel tank, and it's their opinion that Ms C put the incorrect fuel into the car.

On this basis, Startline didn't agree to the rejection of the car. Unhappy with this, Ms C brought her complaint to our service.

One of our investigators looked into what had happened. She was satisfied there was a fault with the car, given the reports from the local garage, and the independent inspection. So, she needed to decide whether the car was of satisfactory quality when it was supplied. She noted that putting petrol in a diesel engine will cause damage to it almost immediately. And, had there been petrol present in the diesel fuel tank when the driver took it to Ms C, the car couldn't have travelled 448 miles. On this basis, she thought the car was likely mis-fuelled after it was delivered to Ms C.

Ms C said she agreed that the delivery driver couldn't have driven the car as far as he did, to deliver it to her, if it had been misfuelled at that point. But, she explained she'd only had the car for five days before it broke down. In that time, she'd refuelled it twice, with £25 of diesel on these occasions, and did not drive the car far. She noted that the report said the cylinder issues *could* have been caused by misfuelling, which means it's not a definite. Rather, the problem could have been the head gasket. She didn't misfuel the car and the miles driven by the delivery driver haven't been taken into account.

The complaint's now been passed to me to decide.

## **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'm not upholding Ms C's complaint. I know this will be very disappointing, but I'll explain why.

I can see that the tests show that both petrol and diesel were present in the tank. I'm satisfied this happened after Ms C took delivery of the car, as the delivery driver couldn't have driven it the miles he did with contaminated fuel. I know Ms C feels perhaps the fuel was tampered with, but there's no evidence to support that. So, it seems most likely, on the balance of probabilities, that she accidentally misfuelled. I know she's explained she put very little fuel in the tank, and didn't travel far. But, it only takes a very short amount of time for the car to be severely compromised, once the wrong fuel has been used.

I do sympathise with Ms C, but I don't consider there to be sufficient evidence to uphold her complaint.

### **My final decision**

For the reasons given above, it's my final decision not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms C to accept or reject my decision before 18 August 2023.

Elsbeth Wood  
**Ombudsman**