

## **The complaint**

Mr H complains Ageas Insurance Limited has unfairly declined his buildings insurance claim.

All references to Ageas also include its appointed agents.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead, I'll focus on giving my reasons for my decision.

## **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 do not uphold the complaint. I'll explain why:

- The policy says it provides cover for damage to underground pipes, drains and tanks which service the home. It defines the home as the property, any garages and its outbuildings.
- For a policy to engage when making a claim, it is for the policyholder to prove that they have a valid claim under the policy. So it would need to be established the property was serviced by the culvert that has been identified to have been the cause of the flooding in the garden at the property.
- Having reviewed all the information currently available to me, I'm not persuaded the culvert is servicing the property.
- Mr H has pointed to pipes that are visible feeding into the culvert, which he says shows the property is serviced by the culvert. But I've not seen any evidence that persuades me this is the case in any of the reports provided by Ageas or Mr H. Ageas' report refers to drains that serve the property going in a different direction.
- Mr H has provided a statement from a contractor to say a dye test from a Gully at the property showed up in the sinkhole that has been attributed to the damage caused by the collapse in the culvert. Ageas said this could simply be a case of the dye by-passing there and has noted the Gully hasn't backed up – which suggests it isn't connected to the culvert.
- There isn't any further evidence to support the dye test investigation such as photos or detailed reports. And I acknowledge Mr H's comments about why he believes the Gully isn't backing up – however I've not seen any information – such as investigations or reports relating to the dye test or of the Gully. So I'm not persuaded by this.
- However, I am aware that Mr H said he is engaging further contractors to carry out investigations at the property, in the hope of establishing the culvert does service the property. In the first instance, any findings from this should be provided to Ageas.
- I would expect Ageas to consider these. And If Mr H should be dissatisfied with Ageas' response, he may consider bringing a further complaint to our service.

- However, based on the information available to me. I've not seen any other evidence that persuades me the culvert is servicing the property – or that the mentioned Gully is connected.

So, for these reasons, I do not uphold this complaint. I think Ageas has fairly declined the claim in line with the policy terms and conditions.

**My final decision**

My final decision is that I do not uphold Mr H's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 13 May 2024.

Michael Baronti  
**Ombudsman**