

The complaint

Miss C has complained that AXA Insurance UK Plc (AXA) unfairly declined a claim under a home insurance policy.

What happened

Miss C found water damage to a ceiling in her home. A home emergency company visited and replaced the bath waste trap and a waste pipe. Miss C was told it would need up to 48 hours to bond. It was also recommended that the bath sealant be redone and the bathroom tiles be regouted because there were gaps along the grouting.

Miss C used the bath or shower about 48 hours later and she found there was still a leak. So, the home emergency company revisited and didn't find any issues with the bath waste repairs it had carried out. It found water was escaping through the shower screen and the grout for the bathroom tiles.

So, Miss C contacted AXA to make a claim under her home insurance policy for the damage to her property. A surveyor visited about a week later to assess the damage. The surveyor told Miss C the damage was due to failed sealant and grout. AXA declined the claim.

Miss C complained. When AXA replied, it said it had reviewed the full claim and it was evident that the water damage to the lounge was caused by failed sealant/ grout from the bathroom above. It said, due to the location of the damage, it was likely the water had travelled down the side of the bath and caused the damage. It also said Miss C had said she was unhappy with the surveyor's attitude during the visit. It said it couldn't comment on what was discussed but apologised if this caused any further inconvenience. It offered £25 as a gesture of goodwill for the delay in responding to the complaint.

So, Miss C complained to this Service. Our Investigator didn't uphold the complaint. He said the policy had an exclusion for an escape of water where the cause was failure of the sealant or grout. The policy also didn't cover issues due to a lack of maintenance. He said although Miss C said the damage was caused by a leak under the bath, AXA didn't agree based on its surveyor's findings and the location of the damage. He said it was reasonable for AXA to decide the damage was more likely due to gradual wear and tear and the failure of the sealant or grout. The leak continued after the bath waste trap was replaced. He said AXA had fairly declined the claim.

Miss C said the leak under the bath was a significant factor and didn't agree it was fair for her claim to be declined. So, the complaint was referred to me.

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 don't uphold this complaint. I will explain why.

The policy provided cover for an escape of water. However, there was an exclusion under that part of the policy that said it didn't cover "*loss or damage caused by failure or lack of sealant and/ or grout*". The policy also said it didn't cover gradual damage, deterioration or maintenance. It doesn't seem to be in dispute that there was damage caused by an escape of water. But, where a relevant exclusion applied, AXA didn't need to pay the claim. So, I've looked at whether it was fair for AXA to apply an exclusion.

A home emergency company visited and carried out a repair to the bath waste and a water pipe. Miss C was also advised to deal with the bath sealant and the grout for the bathroom tiles. The leak continued after this visit. When a second engineer visited, no issue was identified with the repair to the bath waste but, again, an issue with sealant and grout was identified. Miss C has provided a video she said was taken by this engineer. It isn't the best quality video, but it showed water leaking. But, based on what I've seen, that can't have been because of the bath waste. This had been checked and no further issue was found with it. So, it's my understanding that the water was leaking through the sealant or grout. Looking at the photos, these also showed issues with the sealant and grout, including hairline cracks.

So, I think there was a range of evidence to show there was an issue with the sealant and grout which was allowing water to leak through it. There was an exclusion under the policy where this was the cause, which meant AXA didn't need to pay the claim.

I'm aware Miss C has said the leak from the bath was a significant factor. But I haven't seen evidence to show that. When AXA assessed the claim, it found that the damage in the living room was more likely consistent with water travelling down the side of the bath. It said the most visible damage was located on the living room walls where the ceiling met the walls. It assessed this was the result of issues with the sealant and grout. Based, on what I've seen, I think it was reasonable for AXA to rely on its surveyor's findings and other evidence, including the photos and other details Miss C provided, to decide the damage was more likely the result of an issue with the sealant and grout. I haven't seen evidence to show the leak was more likely responsible for the damage or that it was a significant factor.

As a result, I think it was fair that AXA declined the claim. I also think it was reasonable that AXA apologised to Miss C for any issues when she spoke to the surveyor. So, I don't uphold this complaint or require AXA to do anything else in relation to it.

My final decision

For the reasons I have given, it is my final decision that this complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 17 December 2024.

Louise O'Sullivan
Ombudsman