

complaint

Mr R is unhappy that MCE Insurance Company Limited refused to pay his motorcycle insurance claim when his motorbike was stolen.

background

Mr R had a motorbike which was insured with MCE, which he stored in a garage near to his house, as required by the policy. He decided to take the bike out of the garage to give it a wash and once he had done so he left it outside to dry while he went indoors for a break. When he came back the bike had been stolen.

He reported the theft to the police and claimed on his MCE policy. But as the bike had been left unattended and the steering lock wasn't engaged the claim wasn't accepted, as this is a condition of the policy.

Mr R says he doesn't remember whether the lock was on or not, and it's not fair that MCE has simply assumed it wasn't to his detriment. Our investigator didn't agree. She was persuaded by the analysis carried out by an assessor (E) which MCE instructed to look into the claim. E's report said the bike couldn't have been wheeled out of the garage if the steering lock was working and this probably meant it wasn't locked the last time it was used. And the parking area where the bike was being washed wasn't visible from his window, so it was unattended.

Mr R still thinks MCE is making an unfair assumption so it's come to me to decide.

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 agree with our investigator and don't uphold this complaint. Let me explain why.

Mr R's policy doesn't cover "Loss or damage to **your motorcycle** from **theft** or **attempted theft** where **your motorcycle** is left unattended and the steering lock (where fitted by the manufacturers) has not been activated."

Mr R says he wasn't generally using this bike, which is why he hadn't renewed the MOT. So it was probably a while since he'd used the bike when he decided to give it a wash.

Mr R told E he didn't use the key, and wheeled the bike out of the garage, which suggests the steering lock couldn't have been on. E's report states the steering lock requires a key to unlock it and if engaged wouldn't enable the wheels to turn as they are locked in a fixed position turned to the side.

Mr R agrees he left the bike unattended, but only for a short time. Although the bike was near his home, it was outside and he was inside his property to make a cup of tea and watch some TV, while his bike dried off. It wasn't visible from his window and he wasn't looking out of the window anyway, he was watching TV. He says he was away for no more than 20 minutes, but he told the assessor he went in at about 6.30 and came out at 7.05, which is 35 minutes. So I think it's fair to say the bike was left unattended.

Mr R also says he lives in a quiet area not known for high levels of theft. And he has no idea how someone could have stolen the bike so quickly without him noticing. E found Mr R

credible and a genuine victim of theft, so I don't dispute his version of events. And it's unfortunate his bike's been stolen. But the aim of the wording in Mr R's policy was for him to take steps to reduce any opportunity for theft.

I understand why Mr R feels it's unfair of MCE to assume the lock wasn't engaged when he can't be sure. But I don't have to prove what happened, I just have to determine what I think is most likely to have happened. There's no dispute the bike was unattended, and I think it's more likely than not the lock wasn't engaged.

I appreciate this will disappoint Mr R but I think MCE has made a reasonable decision that's in line with the terms and conditions of the policy. So, I don't uphold his complaint.

my final decision

My final decision is I don't uphold this complaint and won't be asking MCE Insurance Company Limited to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 5 February 2018.

Sarah Milne
ombudsman