

## **complaint**

Mr M and his representative are unhappy that a motor bike he bought under a hire purchase agreement with Black Horse Limited is faulty, not of satisfactory quality and unfit for purpose. He wants to reject it and be put back in the position he would've been in before he bought it.

## **background**

Mr M bought a motor cycle. Shortly afterwards and in the following months he experienced some problems with it. The dealer repaired some but there was an outstanding issue with the drive chain.

Black Horse appointed an independent engineer. After inspecting the motor cycle the engineer said some problems had been fixed. But there was still a problem with the drive chain. It was slack, dry and needed replacing. Even so it shouldn't have been an issue. He also pointed out the need for the owner to carry out basic maintenance including periodic lubrication. But he said the motor cycle was in good condition and had been cared for. He thought the chain has either stretched or was supplied with it incorrectly adjusted.

Black Horse accepted in its final response that the faults shouldn't have developed in the first six months. And this illustrates the motor cycle may not have been fit for purpose at the point of sale. But the dealer has said it will replace the chain free of charge and the other issues have been resolved. The dealer will also demonstrate the maintenance routine and how to adjust and lubricate the chain so no more issues will arise. The repairs it's carried out are fair and reasonable. Rejection of the motorcycle isn't warranted as the faults are no longer present and the current issue could be prevented with the correct maintenance. In addition it offered to make a payment to Mr M of £329.54. This is for 67 days loss of use plus interest and some compensation for the inconvenience he's experienced. It's also apologised and said it will consider any further losses.

Mr M didn't accept this offer.

Our adjudicator felt that this offer was fair and reasonable. He said in summary that he couldn't ask Black Horse to do more. The motor cycle isn't unsafe or un-drivable. And it's reasonable to allow attempted repair of the problems. All the issues have been resolved and compensation offered.

Mr M has asked for an ombudsman review. In summary he's highlighted some issues he's not happy with. The motor cycle became faulty after only three weeks. That alone means he should be able to reject it. The engineer doesn't explain why the chain came off. It needs to be seen by a mechanic. He knows what maintenance is required but it hasn't done enough mileage to warrant lubricating. This could happen again. He's lost confidence in the machine. And he's not happy with the offer. It's not enough

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr M has provided detailed submissions to support his complaint. I've read and considered them all. But my findings are expressed in considerably less detail. And they focus on what I think are the main issues.

I agree with the adjudicator's conclusions for the same reasons.

Taking everything into account I agree with Black Horse that rejection of the motorcycle isn't warranted in this case. Although, as the engineer says, the faults may well have been present at the point of sale I think it's entirely reasonable for Black Horse to be given the opportunity to fix them. This it's done in conjunction with the dealer.

The faults are no longer present and the current chain issue can be prevented in the future with the correct maintenance and adjustment.

Overall, although I recognise Mr M's frustration and strength of feeling, I think Black Horse's dealt with him fairly. And its offer is fair and reasonable.

So, I don't see any reason to change the proposed outcome in this case. I simply leave it to Mr M to decide if he now wants to accept the offer.

**my final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 10 October 2016.

Stephen Cooper  
**ombudsman**