

## Case Study – The Damp and Timber Treatment Expert

### Background

Damp and Timber Treatment professionals often limit their purchase of insurance to Public, Products and Employers Liability covers. In some cases they will extend their insurances to include cover for Product Guarantee, but cover for Professional Indemnity cover doesn't always make it onto their list of must have insurance purchases. This can be very short sighted as there is a considerable exposure for such professionals to the potential of claims.

### Circumstances

In this case our client the was asked to provide an estimate, prior to a mortgage being granted, on work that was needed in respect of old timber in a building and also to investigate areas of damp.

A visit to the property was carried out and an estimate prepared for the work to be carried out. When talking to the prospective purchaser on the telephone after the inspection visit the Damp Proofer mentioned that there was an area of damp on a chimney and that as this was no longer in use the chimney could possibly be removed.

The client proceeded with the purchase and on moving in subsequently instructed his own builder to remove the chimney breast. He also instructed a separate company to carry out the damp and timber works in the property. Our client, the damp and timber treatment expert, received no money for his services and did not carry out any of the eventual work.

Unfortunately the room in which the dismantled Chimney was located was also the spot where the gas boiler was situated. The Chimney provided the only ventilation for the boiler which was old, had not been serviced and was leaking dangerous levels of carbon monoxide. The removal of the chimney resulted in a dangerous build up of fumes in the room and the death of the purchaser, his wife and two children resulted.

An investigation by the Health and Safety Executive resulted and the estate of the deceased family sued the Damp expert for negligence.

### How PI Expert helped

This was a serious claim and there was never any doubt that the advice that the damp proofer had given should have been qualified (in that a proper survey needed to be undertaken prior to work commencing). A claim was immediately made against the Professional Indemnity policy which provided representation at the HSE hearing and paid out the claim for damages to the Estate. We worked with the client and insurers in an effort to bring about a swift conclusion to what was a very upsetting claim for both the deceased family and our client.

### Result

A quick claims settlement was made which was the best result under the circumstances.



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