

***Steven & Alisa Smith v. MMG Insurance Company***

Held July 14, 2016 – Docket No. INS-16-2053

Decision Issued: July 28, 2016

The named insured requested a hearing to contest the cancellation of a homeowners policy for failure to comply with loss prevention recommendations. The evidence on the record demonstrates that the pool remained unfenced more than eight months after the requirement and intent to cancel was conveyed.

***Held:*** For the company. 24-A M.R.S.A. § 3049(8) permits cancellation if a swimming pool remains unfenced 30 or more days after notice of the defective condition and intent to cancel; 3049(10) permits an insurer to cancel a policy if the insured fails to comply with reasonable loss control recommendations within 90 days after notice from the insurer. The company demonstrated the insured was notified of the requirement to fence the pool in October 2015 and it remained unfenced at the time of the hearing. Accordingly, the cancellation was permitted.