

***Diane and Stanley D'Orio v. MMG Insurance Company***

Held July 7, 2015 – Docket No. INS-15-2073

Decision Issued: July 16, 2015

The named insured requested a hearing to contest the cancellation of a homeowners policy for failure to comply with loss control recommendations issued in December 2014. The company failed to establish noncompliance with the recommendations.

***Held:*** For the insured. 24-A M.R.S. § 3049 permits cancellation for failure to comply with reasonable loss control recommendations within 90 days after notice. It also allows cancellation for failure to remove a trampoline from the premises within 30 days after notice that its removal is required. The company notified the insureds in December 2014 that their trampoline needed to be removed from the property by May 4, 2105. The record shows the trampoline was allegedly removed in December, but the company was not notified until after the cancellation. As the company did not establish that the insured's failed to remove the trampoline by the company's deadline, the cancellation action is not permitted.