

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT 1919

Date of Decision: 4 March 2020

Complaint

The customer states that she has been billed for water she did not use. She requests that the bill for the relevant period be reduced to reflect average daily usage.

Defence

The company states that there is no evidence that the meter was not functioning properly. It is willing to test the meter but the customer is not willing to pay the applicable charges if the meter is found to be functioning correctly. It is willing to offer the customer a payment plan.

No offer of settlement has been made.

Findings

The customer has not provided evidence sufficient to conclude that the meter was not reading correctly and thus that the bill is incorrect.

Outcome

The company does not need to take any further action.

The customer must reply by 1 April 2020 to accept or reject this decision.

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Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- Between July 2017 and October 2017 there was a significant increase in measured water consumption at the Property.
- This resulted in a higher than expected bill of £4,206.26.
- Consumption then returned to usual levels.
- There was no change at the premises that would explain the increase and a private plumber confirmed that there was no evidence of a leak.
- The customer requests that the bill for this period be reduced to reflect average daily usage.

The company's response is that:

- The customer made contact on 22 June 2018 as her bill had increased.
- The customer was advised to undertake a self-leak test but declined as she needed to keep the water running.
- The customer was advised to hire a private plumber to locate and repair any leaks.
- The customer made contact again on 28 June 2018 and reported that the plumber had found no evidence of leaks.
- The customer has suggested that there is a problem with the meter, but is not willing to pay the applicable costs if the meter is inspected and found to be functioning properly.
- There is no evidence to suggest the meter is faulty, as consumption has returned to usual levels.

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- The customer has been offered payment plans, but the last two payment plans have failed due to payments being cancelled.
- The company is willing to perform a meter test if the customer accepts any applicable charges, and it is willing to offer the customer a further payment plan to spread the cost of the bill over 24 months.

The customer's comments on the company's response are that:

- It is incorrect that the payment plan failed because she cancelled payments.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

I have carefully considered all of the evidence provided. If I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

How was this decision reached?

1. The dispute between the parties concerns solely a factual matter: whether the high usage recorded by the water meter at the Property reflects actual usage and so is properly billed to the customer. The customer does not argue that the meter has not been read correctly and the company does not dispute that a plumber hired by the customer found no evidence of a leak.

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2. The customer's argument focuses on the size of the disparity between the increased usage and normal usage at the Property, arguing that as no leak has been found there is no plausible explanation for such large usage.
3. However, although the customer's argument centers on there being an error in the meter, the customer is unwilling to agree to the potential costs that might be incurred if the meter is tested but found to be functioning properly. While it is understandable that the customer may not wish to risk incurring significant further costs, on top of those imposed by the increased bill, no independent evidence has been provided to support a conclusion that the meter is not functioning correctly. If, for example, there were ongoing or repeated irregularities in measurement by the meter this might justify action taken by the company at its own expense to examine the meter. In the present case, however, the meter resumed regular measurement after the period in question and has shown no further indication of problems.
4. This does not, of course, mean that there might not be a problem with the meter, but in the absence of further evidence indicating such a problem, I do not find that the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person by insisting that the customer should bear the cost of any test that shows the meter to be functioning properly.
5. Ultimately, without evidence that the meter is faulty, the customer's argument relies solely upon the uncharacteristic nature of the usage in the period in dispute.
6. In many disputes, the evidence as to precisely what happened will be to some degree unclear, and the law addresses this uncertainty through what has come to be known as the "balance of probabilities" test. Under this test, the decision-maker must look at the evidence provided by the parties, and decide what is most likely to have happened based on that evidence. Importantly, this decision is only based on the evidence provided by the parties. However, as a decision must be made, it must be made based on the evidence actually provided, not on the decision-maker's unsupported speculations regarding what may or may not have happened.
7. In addition, the law requires that disputes be decided in accordance with "burdens", with the customer having the "burden" of producing evidence to support the claim. This means that if the evidence provided by the parties is evenly balanced between the accounts of the two parties, or is otherwise insufficient to justify a conclusion that the customer's account is more likely than not

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correct, then the customer has failed to meet the burden and the claim cannot succeed. Again, this evaluation must be made based on the evidence actually provided by the parties, not based on unsupported speculation by the decision-maker regarding what may or may not have happened.

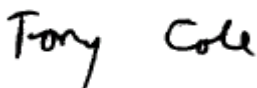
8. Given the lack of evidence supporting a conclusion that the meter was malfunctioning, therefore, I must find that the meter appears to be measuring correctly when it recorded high levels of usage at the Property. The customer has the burden of producing evidence to support her claim and I find that she has not done so.
9. Consequently, the customer's claim does not succeed.

Outcome

The company does not need to take any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 1 April 2020 to accept or reject this decision.
- When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will then be closed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.



Tony Cole, FCI Arb

Adjudicator

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