

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0643

Date of Decision: 19 January 2018

Complaint

The customer submits that the company has overcharged him by £109.19. In July 2017 it was found that a meter could not be fitted at his property, so his bill was changed to the lower Assessed Household Charge/Single Occupancy tariff ("AHC") tariff. However, the company will not apply this tariff retrospectively to his charges from 1 April 2017 to July 2017. It is unfair and unjust to charge him a higher tariff between April 2017 and July 2017 for water he did not use.

Defence

The company submits that the customer has not been overcharged. Prior to the customer's application for a water meter on 20 July 2017, the property was charged on the Rateable Value (RV) basis. RV is a valid method of charge and is payable up until a customer applies for a water meter and has a meter fitted, or is offered the AHC if it is unable to fit a meter. Its policy regarding AHC is that it is only applicable from the date a customer applies for a meter, if it is found that it is unable to fit one. It will not backdate the AHC further than this, as prior to a survey it had no way of knowing whether a property can be metered or not. No offer of settlement was made.

Findings

The customer has not shown that the company's policy to only apply the AHC when an application for a water meter has been made and it is found that it is not possible to fit a meter, is contrary to any law or code. There is also no evidence to show that the company charged the customer incorrectly on the RV basis between 1 April 2017 and 20 July 2017. Any question regarding the fairness of the company's charges are outside the scope of WATRS and so fall out of my remit to consider.

Outcome

The company does not need to take any further action.

The customer must reply by 16 February 2018 to accept or reject this decision.

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Party Details

Customer: [REDACTED]

Company: [REDACTED]

Case Outline

The customer's complaint is that:

- The company has overcharged him by £109.19. He was not aware of the high rate he was being charged for water until he received his first bill in July 2017. He was sent a very large bill aimed at a large family, not someone who lives on their own. He acted immediately and asked the company for a water meter, and the company undertook a survey in July 2017. It was found that a meter could not be fitted so his bill was changed to the lower Assessed Household Charge/Single Occupancy tariff ("AHC") tariff. However, this was not done retrospectively. It is unfair and unjust to charge him a higher tariff between April 2017 and July 2017 for water he did not use. His bill is so skewed; the company has charged him 91% of a full year's water for only 45% of a year. The AHC is the fair tariff for him to pay. As his property could have never had a water meter, whether the assessment was done on 1 April or 1 August makes no difference the bill should have been the same. The company should retrospectively change his bill to the AHC from 1 April 2017 until 20 July 2017.
- The customer requests that the company pay him back the £109.19 it owes him.

The company's response is that:

- The customer contacted it on 10 July 2017 to advise that he had moved into the property on 9 June 2016. As the previous account (in the name of a Housing Association) for the property had been opened from 1 April 2017 it only opened the customer's account from this date rather than 9 June 2016. A bill was sent to the customer for the period 1 April 2017 to 1 April 2018 for

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£599.78 on 12 July 2017. On 20 July 2017 the customer applied for a water meter. On 11 August 2017 following a survey of the customer's supply and confirmation that it was unable to fit a meter at his property, it opened a new account for the customer based on the AHC for a single occupier. This account was opened from 20 July 2017, the date of the customer's application for a water meter.

- The customer has not been overcharged. Prior to the customer's application for a water meter on 20 July 2017, the property was charged on the Rateable Value (RV) basis. RV is a valid method of charge and is payable up until a customer applies for a water meter and has a meter fitted, or is offered the AHC if it is unable to fit a meter. The RV charges between 1 April 2017 and 20 July 2017 were correct and payable in full.
- Its policy regarding AHC is that it is only applicable from the date a customer applies for a meter, if it is found that it is unable to fit one. It will not backdate the AHC further than this, as prior to a survey it had no way of knowing whether a property can be metered or not.

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.

If the evidence provided by the parties does not prove both of these issues, the company will not be directed to do anything.

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. I must remind the parties that under s.5.4.3 of the WATRS Rules, comments must only be on points raised in the company's defence and must not introduce any new matters or any new evidence. Any such new matters or new evidence must be disregarded by the adjudicator. I am

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therefore unable to take account of the new matters raised by the customer in his comments on the company's defence.

2. Further, I acknowledge both parties' submissions about the date the customer moved into the property (9 June 2016 as provided by the customer on the webform submitted in evidence) and where liability for the unpaid charges prior to 1 April 2017 lies – with the customer or his landlord. However, I remind the parties that the Scheme can only look at claims by the customer against the company. Any claims by the company against the customer cannot be considered. This adjudication can only deal with the matter raised by the customer on the application form, namely, the alleged overcharge of £109.19. Matters out of the scope of the Scheme and better dealt with by other dispute resolution procedures should be referred to the relevant institutions or organisations. I shall proceed on this basis.
3. Under Section 143 of the Water Industry 1991 Act the company is entitled to make a Charges Scheme which fixes the charges for any services provided by the undertaker in the course of carrying out its functions.
4. The company's Charges Scheme 2017/2018 supports the company's submission that a customer must apply for a meter before they can be considered for the AHC.
5. There is no evidence that the company's 2017/2018 Charges Scheme was not approved by the regulator OFWAT.
6. The customer has not shown that the company's policy to only apply the AHC when an application for a water meter has been made and it is found that it is not possible to fit a meter, is contrary to any law or code.
7. There is also no evidence to show that the company charged the customer incorrectly on the RV basis between 1 April 2017 and 20 July 2017.
8. I note the customer's submissions that the AHC is the fairer tariff for him to pay. However any question regarding the fairness of the company's charges are outside the scope of WATRS and fall out of my remit to consider.

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9. In view of all of the above, in the absence of any evidence to show that the company has acted contrary to any law or code, or charged the customer incorrectly, the customer has not shown that the company is obliged to backdate the AHC to 1 April 2017.

10. Consequently, the claim is unable to 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 16 February 2018 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.



Uju Obi LLB (Hons) MCIArb
Adjudicator

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