

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1050

Date of Decision: 19 December 2018

Complaint

The customer's claim is the company's assets are responsible for the damp issue he is experiencing at his property. The customer is seeking the company to remedy the damp issue and to provide a full explanation of its findings as to why his and three other nearby properties are experiencing damp issues since the company upgraded its nearby assets.

Defence

The company submits it has thoroughly investigated the matter and found no leakage from any of its nearby assets. The company is unable to determine the cause of the dampness the customer is experiencing, it has done all it can in investigating the matter and it is of the view that it is for the customer to investigate this issue further. Therefore, the company is not liable for any damages in this respect. The company has not made any offers of settlement.

Findings

I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected with regard investigating whether its assets were to blame for the dampness the customer has been experiencing. Furthermore, I am satisfied there have been no failings with regard to customer service as the company has provided a good level of service at all other times throughout its dialogue with the customer.

Outcome

The company does not need to take any further action.

- The customer must reply by 22 January 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1050

Date of Decision: 19 December 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The customer's claim is since the company's upgraded its nearby assets in 2013, these assets are causing dampness within the customer's property.
- The customer is seeking for the company to remedy the damp issue and to provide a full explanation of its findings as to why his and three other nearby properties are experience damp issues since the company upgraded its assets.

The company's response is that:

- The company's position is that it has investigated the matter fully and has established its upgraded nearby assets are not to blame for the dampness the customer is experiencing.
- The company is of the view that, whilst it cannot determine the source of the dampness, the most likely culprit is the air blocks in the customer's property. However, as the company has determined its assets are not to blame it is for the customer to investigate the matter further.
- Furthermore, the company has provided a good level of service at all other times throughout its dialogue with the customer, and therefore the company is not liable for any damages in this respect.

How is a WATRS decision reached?

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

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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 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. To succeed in a claim against the company, it must be proven on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that, because of this failure, the customer has suffered some loss or detriment. If no such failure or loss is proved, the company will not be liable.
2. The dispute centres around whether the company assets surrounding the customer's property are causing dampness within the customer's property. The company is required to meet the standards set out in the Water Industry Act 1991 and the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008. The combined effect of these is to place an obligation on a water and sewerage company that when there is a report of a damage or a leak, the company needs to investigate fully if the company's assets are to blame and, if repairs are needed, make such repairs to prevent further issues.
3. Furthermore, the company also has certain obligations in respect of its customer services as set out in OFWAT Guaranteed Standards Scheme and the company's own Customer Guarantee Scheme.
4. From the evidence put forward by both the customer and company, it seems the customer's MP contacted the company on 20 March 2018 raising the issue that his constituent, the customer, had been experiencing damp issues at his property since the company's flood alleviation works in 2013. On 28 March 2018, the company responded to the customer's MP stating extensive works and surveys were undertaken in 2013 and it stated that none of its assets ran underneath the customer's property. The sewer map included within the company's defence supports the company's position in this respect and shows that none of the company's assets run under the

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customer's property. Furthermore, the evidence shows that between 20 and 28 March 2018 the company attended the site and undertook various investigations, including CCTV surveys. The result of these investigations was the company could not find fault within its network that would have led to the dampness the customer was experiencing.

5. Whilst the company was attending the site it was noted that some of the properties surrounding the customer's property had modified the location of their airbricks to raise them further up from the ground, this indicated to the company that these properties most likely had experienced similar issues to that of the customer. Within its response to the customer the company suggested that a possible solution to the damp issue would be for the customer to also raise his airbricks. The customer disputes this suggestion as the air bricks had been raised when the customer had his driveway paved and a front drain installed. However, the company has maintained its position the bricks were the likely cause as it had ruled out its own assets.
6. With regard to the customer's complaint that company's assets are the source of the damp issues he is experiencing and his requested redress that the company remedy this dampness: the evidence shows the company undertook various investigations into the source of the dampness and I find I am in agreement with the company's position that it has not been proven the dampness originated from its assets. Furthermore, I also find it reasonable, considering the raised air bricks in the surrounding properties, the company would suggest this could be the possible source of the dampness. Accordingly, I am satisfied the company's service and actions were reasonable in this respect and I find they did not cause any loss to the customer. Whilst I appreciate the inconvenience the dampness would have caused the customer, I find the evidence does not support the customer's position and so this aspect of the customer's claim fails.
7. I note the customer has requested the company explain its findings as to why his and three other nearby properties are experience damp issues. On reviewing the correspondence, I find the company has explained its investigations including the use of CCTV to establish why its assets are not to blame. Furthermore, I am satisfied the company has explained why it thinks the air blocks are the possible cause of the dampness. As above, I find it has not been proven the company failed to provide its services to the standard to be reasonably expected. Therefore, I find the company is not required to provide a further explanation regarding this aspect of the customer's claim.

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8. The company has certain obligations in respect of its customer services and from the timeline set out within the various correspondence, I find the company responded adequately to all the customer's concerns. Furthermore, after careful analysis of all the correspondence submitted in evidence, I am not satisfied that it has been proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person in respect of customer service. Accordingly, the company does not have to take any further action in this regard although it is free to do so should it consider it appropriate.
9. As a result, I find the customer has not shown the company failed to provide its services to the standard to be reasonably expected with regard to the dampness at the customer's property, nor has the customer shown the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I am satisfied there have been no failings with regard to customer service, as the company has provided a good level of service at all times throughout its dialogue with the customer.

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 22 January 2019 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 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.



Mark Ledger FCI Arb
Adjudicator

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