

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1545

Date of Decision: 9 August 2019

Complaint

The customer submits that he purchased a 4 bed property with a small commercial element at the front of the premises in 2004. There is only one water supply into the property which serves both the domestic and commercial element of the property. The commercial property has only one sink and one toilet which makes the domestic part of the property the greater use. The company agrees that classification of the property is deemed domestic and applied for the property to be de-registered from the non-household market with effect from 1 April 2019. However, the company has informed him that he will still receive a bill for the Surface Water Drainage and Highway Drainage for the commercial element of the property. The customer requests that the removal of the Surface Water and Highway drainage charges from his bill backdated to 2004 and/or £2,500.00.

Defence

The company submits that the customer's account was transferred from RST Water(RST) on 1 April 2017 as a non-household (NHH) account. It was contacted by the customer on 5 April 2019 advising that the flat above the shop uses the majority of the water. A request to de-register the supply was raised with RST. Following an initial rejection, RST confirmed de-registration of the volumetric charges on 20 May 2019, with effect from 1 April 2019 as the principal use of the supply is currently for domestic purposes. However, the RST state that the Surface Water and Highway drainage elements were to remain in the NHH market as the charges are applicable to individually rated premises. No offer of settlement was made.

Findings

The company and RST are separate entities. This adjudication can only consider the duty owed by the company to its customers. It falls outside of my remit to consider any claims or complaints against RST. RST is responsible for considering any requests to de-register a supply. The company's duty is to contact the wholesaler and submit a request for de-registration on behalf of the customer. This evidence confirms that under RST's policy as the shop is still listed with the Valuation Office Agency (VOA) and benefits from the company's services; irrespective of whether the shop is occupied or empty, Surface Water Drainage and Highway Drainage charges are applicable. I acknowledge the customer's claim that he is being charged twice for the same premises. However, it falls outside of my remit to challenge or query the wholesaler's

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policy. Any question regarding the fairness or otherwise of the wholesaler's policies fall outside the scope of WATRS and cannot be considered. The company's duty is to contact the wholesaler and liaise on behalf of the customer, and the evidence shows that the company has fulfilled this obligation.

Outcome

The company does not need to take any further action.

The customer must reply by 6 September 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/RST/1545

Date of Decision: 9 August 2019

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- He purchased the property [] in 2004 as a 4 bed property with a small commercial element at the front of the premises.
- There is only one (water) supply into the property which serves both the domestic and commercial element of the property. The commercial property has only one sink and one toilet which makes the domestic part of the property the greater use i.e. the domestic side of the property is deemed to be the 'primary' use of the property.
- The company agrees that classification of the property is deemed domestic and applied for the property to be de-registered from the non-household market with effect from 1 April 2019. However, the company has informed him that he will still receive a bill for the Surface Water Drainage and Highway Drainage for the commercial element of the property.
- He is unhappy with the fact that he is being charged twice for surface water for the same premises as he is already paying these charges on his domestic bill. Other utility providers, such as his gas supplier, do not charge two lots of standing charges.
- He believes that he is being unfairly being charged twice for Surface Water Drainage charges.
- The customer requests that the company remove the Surface Water and Highway drainage charges from his bill, backdating this adjustment to 2004, when he took occupation of the property. The customer also requests that the company pay £2,500.00.

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The company's response is that:

- The account was transferred from RST Water (RST) on 1 April 2017 as a non-household (NHH) account with the installation address showing as 4 & 5 Meter – Flat & [shop]].
- It was contacted by the customer on 5 April 2019 advising that the flat above the shop uses the majority of water use.
- A request to de-register the supply was raised with RST to request the account be transferred back to the household water market due to the majority of water use being domestic.
- A response was received from RST on 8 May 2019 stating, *“with reference to the above form please be advised that I am unable to deregister as the NHH premise is listed as a hair salon so principal use would not necessarily be HH. You have stated that the shop is empty but looking online it would appear they are still open. I have replaced ‘[shop]’ in the address with ‘hair salon’ to reflect what the shared meter now supplies.”*
- However, it did not agree with this outcome as it checked online and it states that the business had closed down. In addition, customer reviews show where the business has moved to.
- A complaint was raised with RST on 8 May 2019 requesting it to reconsider de-registering the supply from the NHH water market.
- A detailed response from RST was received on 20 May 2019 confirming de-registration of the volumetric charges as the principal use of the supply is currently for domestic purposes, with effect from 1 April 2019. However, the Surface Water and Highway drainage elements were to remain in the NHH market as the charges are applicable to individually rated premises.

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

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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. I must remind the parties that adjudication is an evidence-based process.
2. 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.

Wholesaler and Retailer

3. In April 2017 the water market in England opened up to retailers and all non-household customers were moved to a retail/wholesale structured service.
4. The evidence shows that the company is the retailer and RST is the wholesaler. Retail companies and wholesale companies are separate entities. The customer has a contractual relationship with the retailer only. Under the Water Redress Scheme, a customer can only make a complaint against the company with whom they have a contractual relationship with; that is, the retailer. Therefore, for the purposes of this decision, my remit is to determine the issues between the customer and the company.
5. This adjudication can only consider the duty owed by the company to its customers. The company's duty is to contact the wholesaler and raise any claims or query any decisions on the customer's behalf.
6. It falls outside of my remit to consider any claims or complaints against RST .

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Surface Water Drainage and Highway Drainage

7. The evidence shows that RST, and not the company, is responsible for considering any requests to de-register a supply. The company's duty is to contact the wholesaler and submit a request for de-registration on behalf of the customer.
8. The company has submitted a letter from the wholesaler in evidence. This letter confirms that under the wholesaler's policy as the shop is still listed on the Valuation Office Agency (VOA) and benefits from the surface water drainage service it provides; irrespective of whether the shop is occupied or empty, Surface Water Drainage and Highway Drainage charges are applicable.
9. I acknowledge the customer's claim that he is being charged twice for the same premises. However, as explained above, any claim or complaints against RST cannot be considered under this adjudication. It falls outside of my remit to challenge or query the wholesaler's policy. Any question regarding the fairness or otherwise of the wholesaler's policies fall outside the scope of WATRS and cannot be considered.
10. The company's duty is to contact the wholesaler and liaise on behalf of the customer, and the evidence shows that the company has fulfilled this obligation. The company has therefore provided its services to the customer to the standard to be reasonably expected in this regard.
11. Consequently, this 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 **6 September 2019** to accept or reject this decision.

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- 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.
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Adjudicator

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