

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X322

Date of Decision: 26/04/2021

Party Details

Customer: The Customer

Company: X Company

Complaint

The customer says that the company incorrectly cancelled her account and then issued a substantial catch-up bill. She requests that the company waive the charges in the catch-up bill.

Response

The company says that the customer has been billed correctly.

The customer was offered compensation of £220.00, but this was declined.

Findings

The company has provided its services to the customer to the standard to be reasonably expected by the average person.

Outcome

The company does not need to take any further action.

The customer must reply by 24/05/2021 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

The customer's complaint is that: • Her account was closed in June 2019. • A closing bill was sent to the customer via the online account system on 5 June 2019. • She did not receive the bill and did not notice the larger direct debit payment taken or that no direct debit payments were then taken for several months. • The company opened a new account in February 2019 and presented her with a substantial catch-up bill. • She requests that the company waive the charges in the catch-up bill.

The company's response is that:

The company's response is that: • The managing agent of the Property incorrectly advised the company that the customer had moved out. • In response to this information, the company closed the customer's account. • The company subsequently identified that the customer had not left the Property, and so re-opened the customer's account, billing her for the water used in the interim. • Neither the managing agent of the Property nor the customer informed the company that an error had been made about the customer's moving out. • The customer was offered compensation of £220.00, but this was declined.

How is a WATRS decision reached?

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

- Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
- 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. Section 144(c) of the Water Industry Act 1991 specifies that for “residential premises which are occupied by one or more persons other than the owner (and not by the owner)...The owner must arrange for the undertaker to be given information about the occupiers.”
2. It follows from the obligation of the owner of the Property to notify the company of the identity of the residents in the Property, that the company is entitled to rely upon such information. Otherwise the obligation to provide the information to the company would have no purpose.
3. The company was, therefore, entitled to rely upon information provided by the managing agent of the Property that the customer was no longer resident. The company has satisfactorily established that it did indeed receive such a notification from the managing agent, and in her telephone calls with the company the customer has acknowledged that the managing agent incorrectly notified other utility providers of the Property that she was moving out.
4. The customer has argued that the company did not provide her with appropriate notification that it was terminating her account, thereby preventing her correcting the incorrect information from the managing agent, as she was able to do with her other utilities. However, the company has satisfactorily established that the customer was sent a bill specifically stating it was a “final bill” and that this bill was sent through the means the customer had agreed should be used for her bills.
5. The company has also satisfactorily established that it acted appropriately in identifying that the customer remained in residence at the Property once it became aware of the fact that water was still being used at the Property.
6. In her communications directly with the company, the customer has stated that she was told by one of the company’s agents that the cancellation of her account occurred due to a change in the company’s billing software. However, no evidence has been provided of such a statement being made. Moreover, even if it is accepted that such a statement was made, the customer’s account was cancelled in June 2019 while the Property’s address and meter information was not transferred to the company’s new billing platform until November 2019. As a result, there is no justification for finding that the closure of the customer’s account occurred because of this change, rather than because of the clearly-evidenced incorrect notification provided by the managing agent of the Property at the time the customer’s account was cancelled.
7. I also acknowledge that the company has provided the customer with a payment

plan to allow her to pay the catch-up bill over time.

8. In consideration of the above, I must find that the company has billed the customer correctly, for water that she used, and that the company did not fail to provide its services to the customer to the standard to be reasonably expected by the average person with respect to either the cancellation of her account or the re-opening of her account and issuance of a catch-up bill.

Outcome

1. 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 within 20 working days to accept or reject this final 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.

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Tony Cole
Adjudicator