

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

**Adjudication Reference:** WAT-X269

**Date of Decision:** 05/05/2021

#### Party Details

**Customer:** The Customer

**Company:** X Company

#### Complaint

The customer has a dispute with the company about a bad smell coming from its pipes under her house. The customer says that the problem has been ongoing for almost nine years and despite numerous complaints to the company and numerous attempts to fix the problem it still exists. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore she has brought the claim to the WATRS Scheme and asks that the actions of the company be reviewed, and it be directed to pay compensation and undertake additional work should it be found to have fallen short in its responses to the complaints.

#### Response

The company states that it has taken all reasonable steps to identify and fix the problem of the bad smell. It has undertaken numerous repairs to the manholes and pipes adjacent to the customer's property and is confident that its investigations show that its assets are not responsible for the smell. The company believes that faulty stack and downpipes at the property may be the source of the smell and has identified these to the customer. The company states that it will monitor the situation but will not undertake any additional work in the near future. The company has not made an offer of settlement to the customer.

#### Findings

I am satisfied the company acted reasonably in its dealings with the customer and has taken her complaints seriously. It has undertaken remedial works over a long period of time and has advised the customer to repair external pipework as it may be the source of the smell. Overall, I find that the company has not failed to provide its services to a reasonable level nor has it failed to manage the customer's account to the level to be

reasonably expected by the average person.



The company does not need to take further action.

The customer must reply by 02/06/2021 to accept or reject this decision.

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## Case Outline

### **The customer's complaint is that:**

The customer's complaint is that:

- She has experienced an ongoing dispute with the company concerning an unpleasant smell that occurs several times each year from a company asset that is located below her property. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- Approximately two or three times each year a very unpleasant smell is given off from a sewerage pipe that runs underneath her house and down her garden. The customer also records that an access manhole to the pipe is located in the conservatory at her property.
- Following discussions with the company she understands that the pipe becomes blocked and that when she contacts the company it visits her property and jets the pipe, and the bad smell disappears for a limited time before returning.
- The company has been in both her house and garden attempting to find a remedy but has not been successful. The customer understands that the company re-lined the sewerage pipe in 2019 but she does not believe this work has had any positive impact on the smell problem.
- The situation has been ongoing for approximately nine years, and despite many requests to have the company permanently investigate and fix the problem it has not done so.
- The customer submitted a formal complaint to the company on 04 July 2020.
- Believing the company had not properly addressed her concerns the customer, on 17 July 2020, escalated her complaint to CCWater who took up the complaint with the company on her behalf. The customer records that CCWater contacted the company and requested more detailed information from it and to review the customer service provided.
- She acknowledges that the CCWater intervention resulted in an improved response from the company with a promise to attempt again to fix the smell problem plus she received eight payments in the total amount of £480.00 under the Guaranteed Standards Scheme (GSS).
- The company attended her property and attempted to seal the manhole cover located in her conservatory. The customer says that this reduced the level of the smell but did not remove it entirely.
- CCWater continued to liaise with the company in an attempt to have it state its intentions in respect of solving the smell problem and to have it increase the amount of compensation paid.
- On 06 January 2021, the company issued a detailed response to the CCWater requests for information in which it stated that a further £200.00 had been credited to the customer's account but that it believed it had taken all necessary measures to remove the smell and that it has not identified any structural issues in its sewerage network and thus no further work is

planned. Similarly, it stated that it believed the manhole cover was functioning and sealed and would not be replaced. • Subsequently on 08 January 2021, CCWater informed her that it believed the company had now addressed to a suitable standard all the points she had previously raised. CCWater confirmed that it could not take any further steps to alter the position of the company. • The customer says that despite the intervention of CCWater, the dispute is ongoing, and the company has not changed its position and CCWater are unable to obtain a resolution between the parties. The customer remains dissatisfied with the response of the company and has, on 14 January 2021, referred the matter to the WATRS Scheme where she requests that the company be directed to address the smell problem that is still present at her home and for the adjudicator to review its customer service with the view to have it increase the compensation paid thus far.

### **The company's response is that:**

The company's response is that: • The company provided its response to the claim on 30 March 2021. • It notes the customer contends that she has been complaining to the company since 2008, but it says that its records do not go back prior to 2011. It also notes its first recorded complaint from the customer was on 20 September 2013. • It acknowledges that it has had regular communication with the customer during the period from 2013 to 04 July 2020 at which time it received a written complaint from the customer concerning the continued problem of foul odour at her property that she stated had been ongoing for nine years. • Following the complaint, it undertook jetting work in its pipes adjacent to the customer's property on 21 July 2020. • On 28 July 2020 it was informed that the customer had escalated her complaint to CCWater. It records that further to contact from CCWater explaining that the customer remained unhappy with the smell problem, it carried out further works at the property in order to attempt to fully resolve the problem. • On 22 September 2020 it advised the customer that a stack pipe in close proximity to the bathroom of the property was not working correctly and that a rainwater pipe was not fully connected to underground pipework and suggested these may potentially be the cause of the bad smell. • On 04 January 2021 it informed CCWater that the sewerage network was serviceable and that it had fully sealed the manhole at the property. It also advised that it had made eight GSS payments in the amount of £480.00 and paid £200.00 as a goodwill gesture. • It confirmed that it had not identified any company asset as being responsible for the odour after it had completed all the remedial measures deemed necessary. The company stated it believed that any odour now occurring is due to the faulty stack pipe and/or the broken water pipe connection. As a result, the company declines to pay any further compensation and confirms that it does not plan any further works because it has recently completed repairing the manhole, relining and re-rounding pipes, and undertaken CCTV surveys.

### **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. The dispute relates to the customer's dissatisfaction that the company has failed, during a period of approximately nine years, to identify and rectify the source of a very bad smell emanating from the sewerage network below and adjacent to her property.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.
3. The customer says that the problem with the bad smell has been ongoing since 2008, although the company contends that its first record of a complaint from the customer is dated 20 September 2013.
4. The company, in its response to the claim, has presented a detailed chronological record of its dealings with the customer since September 2013. I do not intend to repeat the record here, but I believe it valuable to identify the occasions when the company or its sub-contractors visited the customer's property in response to her complaints of a bad smell.
5. I can see that such visits occurred on the following dates :-  
  
20 September 2013;  
18 March 2014;  
05-07 April 2014;

14-16 March 2015;  
03-04 February 2016;  
22 October 2017;  
12 July 2018;  
30 July 2018;  
26 March 2019;  
01-02 April 2019;  
08 June 2019;  
19 June 2019;  
12 July 2019;  
21 July 2020; and  
22 September 2020.

6. This shows that a minimum of fifteen site inspections were undertaken, some of which lasted more than one day.

7. I note that the company received information from CCWater on 28 and 29 July 2020 that the customer had escalated her complaint to them. Subsequently, in August 2020, the company had a sub-contractor attend the property again and an 85 metre length of pipe was jetted. I can also see that the manhole located in the conservatory of the property was cleaned out and the cover sealed with mastic and tape and bolted down. I note that the customer has contested that the cover is not fully sealed, but she has not provided any evidence, such as an independent plumber's report, to support her belief.

8. The sub-contractor also surveyed the surrounding pipework and identified a section of pitch-fibre piping that had begun to blister. Further examinations of the pipework took place, but the company declared itself satisfied that the pipework remained serviceable, and no structural defects had been identified.

9. I further note that as a result of the company's investigations it identified a problem with a damaged manhole in a neighbouring property and immediately undertook repairs.

10. However, I take note that the sewerage line in question is shared by numerous properties and that the company often experienced delays in undertaking works due to needing access to several neighbouring properties and that it was not always able to co-ordinate numerous access points at any one time. I find the company's position in this respect to be reasonable.

11. From my examination of the evidence provided I am satisfied, on a balance of probabilities, that the company has taken the customer's complaints seriously and has responded in a reasonable manner. I have taken note of the fifteen site visits

and the prompt response in 2020 to the involvement of CCWater.

12. Similarly, and again on a balance of probabilities, I find reasonable the company's statement that it has not identified any fault with any of its assets that may be the source of the bad smell. I am satisfied that the recorded activity over a period of years reasonably substantiates its position.

13. Having established that, on balance, the company assets are not responsible for the bad smell I note that, on 22 September 2020, the company advised the customer that a stack pipe adjacent to the bathroom of the property was not functioning correctly and was a possible source of the bad smell entering the property.

14. Also, on the same date, the company further identified to the customer that a rainwater pipe adjacent to the property was not securely connected to the underground pipework and needed repair to prevent the possible escape of bad smells.

15. The customer has not provided any evidence to confirm that she has addressed these two issues and had them repaired.

16. In her application to WATRS the customer has requested that the customer service given by the company be reviewed with view to awarding increased compensation. As I have stated earlier in this decision, I am satisfied that the company has taken seriously the customer's complaints over several years and has responded reasonably. I also can see that the company has granted £480.00 in GSS payments and made a further payment of £200.00 to compensate for any stress and inconvenience experienced. I find that the total amount of £680.00 paid to date is proportionate to the harm experienced by the customer and I shall not direct any additional payment by the company.

17. The customer is also seeking to have the actions of the company reviewed in respect of the measures taken to identify the source of the smell. I have made reference to the fifteen site visits and further visits made after CCWater involvement and I have detailed the most recent physical work done. The company has stated its satisfaction that it has taken all necessary remedial measures and it is now confident that the smell does not emanate from its assets.

18. I have further recorded that the customer has taken no action to repair the stack pipe and rainwater pipe defects that were identified to her in September 2020. Thus, on a balance of probabilities, I find that the company has reacted reasonably to the customer's complaints and has taken reasonable practical steps to identify and remedy the problem. I shall not direct that the company take any additional specific action.

19. Overall, I am satisfied that the customer has not supplied sufficient evidence to support her complaint and to show that the company has not responded reasonably to her complaints.

20. My conclusion on the main issues is therefore that the company has not failed to provide its services to a standard to be reasonably expected by the average person.

#### Preliminary Decision

- The Preliminary Decision was issued to the parties on 21 April 2021.
- The customer submitted comments on the Preliminary Decision on 23 April 2021.

The submitted comments will not be addressed specifically. The customer reiterated her complaint and her position and submitted two number photographs in support of her claim. However, I am satisfied that the customer did not supply any input to change the outcome of the Preliminary Decision.

#### Outcome

1. The company does not need to take 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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**Peter Sansom**  
**Adjudicator**