

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-XXXX

Date of Decision: 16 September 2021

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer claims that his company has been incorrectly charged for the entirety of a shared supply to a commercial premises, despite his company being only one of four units that make up the premises. The customer is seeking the company to put all four properties on the shared supply to unmeasured/assessed charges and divide the current bill equally between the tenants.

Response

The company submits that it must abide by the wholesaler's scheme of charges, policies, and processes as a retailer. The wholesaler's position is that the shared supply is a third-party private dispute to be resolved by the occupiers or landlords of the related properties. The wholesaler has refused the company's request for the customer's shared supply to be split or all four tenants to be put onto assessed charges. The wholesaler believes that the solution would be for all tenants to apply for a new connection at their own cost or for sub-meters to be installed and used by the customer to re-bill the other units. The wholesaler confirmed that it would not adopt any sub-meters and that this network would remain private for the customer to re-bill their neighbours. The company's responsibility is to challenge the wholesaler on behalf of the customer, which it has done. The company has not made any offers of settlement.

Findings

I find the customer has not proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning the shared supply and challenging the wholesaler on behalf of the customer.

Outcome

The company does not need to take any further action.

The customer must reply by 14 October 2021 to accept or reject this decision.

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ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-XXXX

Date of Decision: 16 September 2021

Case Outline

The customer's complaint is that:

- His company has been incorrectly charged for the entirety of a shared supply to a commercial premises, despite his company being only one of four units that make up the premises.
- The customer is seeking the company to put all four units on the shared supply to unmeasured/assessed charges and divide the current bill equally between the tenants.

The company's response is that:

- As a retailer, it must abide by the wholesaler's scheme of charges, policies and processes.
- The company's responsibility is to challenge the wholesaler on behalf of the customer, which it has done.
- The wholesaler's position is that the shared supply is a third-party private dispute to be resolved by the occupiers or landlords of the related properties.
- The wholesaler has refused the company's request for the customer's shared supply to be split or all four tenants to be put onto assessed charges. The wholesaler believes that the solution would be for all tenants to apply for a new connection at their own cost or for sub-meters to be installed and used by the customer to re-bill the other units.
- The wholesaler has also confirmed that it would not adopt any sub-meters and that this network would remain private for the customer to re-bill their neighbours.

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 another disadvantage as a result of a failure 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 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 centres on whether the company should put all four units on the customer's shared supply on an unmeasured or assessed charge and divide the current bill equally between the tenants.
2. The company must meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.
3. The company also has certain obligations regarding its customer services as set out in OFWAT's Guaranteed Standards Scheme and the company's own Guarantee Standards Scheme (GSS).
4. Since April 2017, a non-household customer only has a relationship with the company, not the wholesaler. Therefore, if a non-household customer has an issue with their water supply or sewerage services, they must approach the company, which is responsible for chasing the wholesaler and trying to resolve the matter. Accordingly, all parties must bear in mind that I cannot find the company liable for something that only the wholesaler is responsible for within this decision.
5. The evidence shows that the customer in March 2019, received a bill for the entire water used at the commercial property of which the customer's company was one unit of four. The customer contacted the company asking why his company had been elected to be responsible for the bill for the whole property and requested that the bill be split equally between all the units or that he be placed on an assessed charge.

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6. The customer was advised that his company was on a shared supply that provides water to all the units. His company was listed as responsible for the water bills as the meter for the supply was located within his unit. Therefore, the charges were the responsibility of the customer, and it would be down to the customer's company to come to an agreement with the other units on the shared supply on how the water bills should be paid.
7. I understand that the company also requested the wholesaler to add all the units to the market. However, the wholesaler advised that as the customer was on a shared supply, this would be a private dispute to be resolved by the occupiers or landlords of the related properties. The wholesaler rejected any amendment to the market to install sub-meters to the network or reverting the customer to an assessed charge.
8. Between 21 January 2020 and February 2021, various discussions took place between the parties, and in March 2021, the dispute was also progressed to CCWater to resolve without success. The wholesaler maintained that as the customer was on the shared supply, this would be a private dispute to be resolved by the occupiers or landlords of the connected properties.
9. The customer was left with either reaching an agreement with the occupiers or landlords of the related properties, installing separate supply pipes and meters, or having the water disconnected or shut off at the stop tap. The customer remained unhappy with the outcome, and on 29 March 2021, commenced the WATRS adjudication process.
10. Concerning the customer's comments that the company should put all four units on the shared supply to unmeasured/assessed charges and divide the current bill equally between the tenants, both the customer's unit and the other units have a shared water supply with one meter serving the whole property. The evidence shows that due to the property being a commercial property, the only way to ensure the charges are separated is for the customer or its landlord to split the joint supply pipework and the existing meter removed and a new meter installed for each unit at the join. The evidence shows that during the customer's dialogue with the company and the wholesaler, the customer was advised that in this instance, if the customer wishes to separate a shared supply, then it will be at the customer's cost to alter their private pipework so that separate meters can be installed.
11. From the evidence put forward by the company, an assessed charge is only applied after a request for a meter has been made, and the wholesaler is unable to either install the meter or use the

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meter for recording consumption at the property in question. The evidence shows in this instance, the wholesaler was able to use a meter for recording consumption at the property and the company was correct in not billing the customer or the other unit owners/tenants on an assessed charge basis.

12. On careful review of all the evidence, I am satisfied with the company's position that, in line with the wholesaler position, the company is unable to bill the customer on an assessed charge basis, and the shared supply is a third-party private dispute, to be resolved by the occupiers or landlords of the connected properties. If, as the customer suggested, he is unable to reach an agreement with the other occupiers or landlords of the related properties, then to separate its unit, the customer will be required to undertake pipework alterations to separate supply pipe and meter or have the water disconnected or shut off at the stop tap. As the wholesaler has suggested, a simple refusal of the various landlords and tenants of the units to come to an agreement is not an example of exhausting all avenues of coming to an agreement. I understand that the wholesaler and company have now offered assistance in waiving the application fees for the connection survey and helping with the costs if the customer wishes to undertake pipework alterations to separate supply pipe and meter.
13. The company, within its response, states it must abide by the wholesaler's scheme of charges, policies and processes, to which I agree. On reviewing the various correspondence put forward in evidence, I find that the company has fulfilled its duty to the customer by challenging the wholesaler on its decision. The company has provided various email correspondence showing that it has chased the wholesaler for answers on many occasions with little result. Whilst I sympathise with the customer's position, I find there are no grounds to conclude the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning challenging the wholesaler on its decision.
14. The company has certain obligations in respect of its customer services. From the evidence provided, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained the reasons behind why it could not apply an assessed charge or split the charges without the customer or his landlord undertaking pipework alterations.
15. In light of the above, I find that the evidence does not prove that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning the shared supply and challenging the wholesaler on behalf of the customer.

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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 14 October 2021 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.



Mark Ledger FCI Arb
Adjudicator

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