

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XXXX

Date of Decision: 21/09/2021

Party Details

Customer: The Customer

Company: The company

Complaint

The customer owns two adjoining properties with the same postcode; **XX The Address 1 XX** a domestic property billed by **The company**, and **XX The Address 2 XX** a commercial property, billed by the company. However, the company always addresses the bills for the commercial property to the domestic property. This causes much inconvenience but, despite asking the company to remedy the problem on numerous occasions, it insists that it has not made a mistake. The customer would like the company to bill him for his commercial premises at the correct address. He would also like an apology and compensation, of at least £1,000.00, for the stress and anxiety this situation has caused.

Response

At present, the Valuation Office Agency shows that **XX The Address XX** is registered as a commercial property. In view of this, the company has explained to the customer that the property is billed as a commercial premises. To resolve the customer's complaint and determine whether the property is commercial or domestic for billing purposes, the company has asked **The company** ("the Wholesaler") to carry out a supply check. However, the customer has not responded to the Wholesaler to arrange a suitable appointment. As the Valuation Office Agency lists **XX The Address XX** as a commercial property, liability to change the address on the account, pay compensation and provide an apology is denied.

The company has not made an offer of settlement.

Findings

I find that **XX The Address XX** is registered as a commercial property and billed as such by the company, and no water

account is registered at **XX The Address XX**. In view of this, it would be advisable for the customer to either contact the local council and asks it to amend the Valuation Office Agency listing, and/or ask the company to request the Wholesaler to carry out a supply check to determine what the supply arrangements are at the two adjoining properties and whether the properties are commercial or domestic. Therefore, I do not find that the company has failed to provide its service to the standard reasonably expected by the average person and I make no direction to the company.

Outcome

The company does not need to take any further action.

The customer must reply by 19/10/2021 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

• He owns two adjoining properties with the same postcode; **XX The Address 1 XX**, a domestic property billed by **The Company**, and **XX The Address 2 XX** a commercial property, billed by the company. • The company always addresses the bills for the commercial property (**XX**) to the domestic property (**XX**). This is problematic because he rents his domestic property out so he does not always receive the bills that should be addressed to **XX**, and he is unable to submit bills showing the incorrect business name and business address with his tax return. • He has contacted the company on numerous occasions over the last two years to explain the problem, but it just keeps telling him that **XX** is the commercial premises. He has spoken to **XX** Council and it has confirmed that **XX** is a commercial property and **XX** is a domestic property, and he has also confirmed this with the Valuation Office Agency. • As he does not always receive the bills for his commercial property, late payment charges have often been added by the time he receives them and he is getting up to three calls a day from debt collection agencies. • He would like the company to resolve this issue and bill him for his commercial premises at the correct address. He would also like compensation, of at least £1,000.00, for the stress and anxiety this situation has caused, particularly being contacted by debt collection agencies, and all the telephone calls he has made and emails he has sent. He would also like an apology from the company as it has not listened to the facts.

The company's response is that:

• When the customer purchased the property in 2006, he confirmed that **XX The Address XX** is a domestic property and the adjoining property, **XX The Address XX**, is a commercial property. did not have a water supply and the customer confirmed that the property was **XX** connected to a water supply through number **XX**. • Two flats are registered for council tax at **XX The Address XX** and the customer pays domestic rates to **XX The Company XX** for the water supply to the property. However, the Valuation Office Agency lists '**XX The Address XX - Workshop and premises**', as well as '**XX The Address XX – Workshop and premises**' as commercial premises. • It has explained to the customer that although he says that the property is domestic, as a business is registered at number **XX**, it has to be billed as a commercial property. Charges are based on metered consumption and

these are different from any domestic water consumed. If the customer is being billed for metered consumption on the same meter serial number as he is charged for domestic use, it can address this issue. To this end, in September 2019 and October 2019, it asked the customer to provide an up-to-date invoice for the domestic supply; however, no reply was received. • It has raised the customer's concerns with the Wholesaler on two separate occasions. In September 2019, it asked the Wholesaler to carry out a supply check so it could determine whether the property was commercial or domestic for billing purposes. The Wholesaler requested further information and, therefore, it asked the customer to confirm the meter serial number for the commercial property or, if it was the same meter as the domestic property uses, it requested a copy of the invoice for the domestic supply. However, no further information was received and the Wholesaler cancelled the supply check request as a result. • In March 2021, it asked the Wholesaler to review the charges to confirm they were correct and, again, a supply check was raised. The Wholesaler made several attempts to contact the customer and arrange a suitable appointment but, after many failed attempts, the supply check request was cancelled again. • At present, the Valuation Office Agency is showing that **XX The Address XX** is registered as a commercial property; therefore, liability to change the address on the account, pay compensation and provide an apology is denied.

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 evidence demonstrates that the company does not have an account for **XX The Address XX** and has not made a mistake in regard to the billing address; the company intentionally bills **XX The Address XX**

as a commercial property as it believes it is registered as a commercial property with the Valuation Office Agency.

2. I have checked the Valuation Office Agency and I agree that **XX The Address XX** is registered as a commercial property.

3. The evidence demonstrates that in March 2021, the company advised the customer that the Valuation Office Agency was showing **XX The Address XX** as a commercial property and that, if this was incorrect, the customer should contact the Council to request it to be changed.

4. The evidence also shows that the company asked the Wholesaler to conduct a supply check at **XX The Address XX** to check the supply arrangements and whether the property is domestic or commercial. However, the customer did not respond to the appointment request and, therefore, the supply check request was cancelled.

5. As **XX The Address XX** is registered as a commercial property and billed as such by the company, and no water account is registered at **XX The Address XX**, I accept that the advice previously given to the customer by the company is reasonable, and the customer should contact the local council and ask it to amend the Valuation Office Agency listing, and/or ask the company to request the Wholesaler to carry out a supply check to determine what the supply arrangements are at the two adjoining properties and whether the properties are commercial or domestic. If the Wholesaler is able to confirm that **XX The Address XX** is fully domestic and **XX The Address XX** is a commercial property on its own supply, the company will be able to close the non-household water account for **XX The Address XX** and open a non-household water account for **XX The Address XX**

6. In view of the evidence I have been provided with, I do not find that the company has failed to provide its service to the standard reasonably expected by the average person by billing **XX The Address XX** as a commercial property. While I appreciate that the customer will be disappointed by my decision, the customer's claim does not succeed and I make no direction to the company in regard to this matter.

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.

Kate Wilks
Adjudicator