

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X589

Date of Final Decision: 20 October 2021

Party Details

Customer:

Company:

Complaint

In November 2018, the company started to charge the customer for unexplained high consumption. In January 2019, the company investigated but found no leaks. In November 2020, it found a leak which was fixed two days later by a plumber. The company has refused to accept any responsibility and has refused to apply a leak allowance to the customer's account. The customer now has a bill of £2,151.53 and a direct debit of £281.00 per month; this could have been avoided if the company had identified the leak in January 2019. The customer wants the company to provide an allowance to reduce his outstanding bill in line with his actual consumption.

Response

The company and the customer have carried out numerous tests to identify how water is being used at the customer's property. The test results show that some water was being lost through a small leak on the customer's internal fittings, but most of the water was being used by the customer. The company is not responsible for internal leaks but, as a gesture of goodwill, it has applied a discretionary allowance of £21.21 to the customer's account for the period from 6 October 2020, the most recent billing period prior to the leak, to 9 November 2020, the date the leak was identified and a temporary fix was applied. Further liability to reduce the customer's charges is denied.

The company has not made an offer of settlement.

Findings

The evidence shows that the company has thoroughly investigated the customer's high consumption and no evidence of a fault on the meter, a shared

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supply or a leak for which the company is responsible has been found. There is also no evidence to show that the company failed to provide its service to the standard reasonably expected by the average customer when it told the customer that there was no leak in January 2019. In view of this, I do not find that the company's refusal to apply a further allowance to the customer's account amounts to a failing on the company's behalf.

Outcome

The company does not need to take any further action.

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Case Outline

The customer's complaint is that:

- His complaint dates back to November 2018 when the company started to charge him for unexplained high consumption at his 'two-up, two-down' property that he shares with his wife. The high consumption caused his bill to increase from £33.00 to £287.00 per month, far in excess of the normal monthly charge for two people.
- In January 2019, the company checked the property but could not identify any internal or external leaks. He was told that there was nothing more the company could do and he continued to receive high bills.
- In November 2020, after he complained numerous times to the company, it sent out another engineer who found a small leak on his pipework. This was fixed two days later by a third party plumber.
- Over the past two years, the company has blamed a faulty meter and a potential leak on the supply line, it also said that his neighbour did not have a water meter and he may be paying for their water, and it has insisted that he does not have a leak internally or externally.
- The company has apologised for the 'misleading comments' and for ignoring his complaint on multiple occasions, but it has refused to accept any responsibility for the high bill caused by the leak it assured him did not exist, and has refused to apply a leak allowance to his account.
- He now has a bill of £2,151.53 and a direct debit of £281.00 per month. He believes this could have been avoided if the company had provided accurate information as he would have instructed a plumber much sooner. Further, if the company had followed its complaints procedure, his complaint would not have taken over two years to resolve.
- The fear of a debt of over £2,000.00, the impact on his credit rating and a huge monthly bill, ten times the average, has had a significant and serious impact on his mental health.
- He wants the company to provide an allowance to reduce his outstanding bill in line with his actual consumption.

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The company's response is that:

- The customer's account was opened on 27 August 2014.
- On 22 April 2016, the customer made contact to arrange to pay their charges by Direct Debit. This was the first payment arrangement for the account, which means the account was already carrying arrears. During the call, the customer raised concerns about his usage as he thought it was high, so he was advised to carry out a simple leak test, however, the customer did not report the results.
- On 16 November 2018, it wrote to the customer to say his water usage seemed higher than expected and asked him to complete some checks.
- On 7 January 2019, the customer made contact to advise that he had cancelled his Direct Debit. The customer's usage was also discussed and the customer completed an online application for its Customer Assistance Fund (the "Fund") which is designed to help customers clear their arrears.
- On 9 January 2019, it wrote to the customer to say that his application for the Fund had been rejected due to a possible leak at the property. Following this, it arranged to visit the customer's property on 31 January 2020 to check for any leaks and/or supply issues.
- On 14 February 2019, it sent a letter to the customer and explained that the investigation had found no leaks and the meter was only serving the property so the supply was not shared. It provided the customer with tips on how to save water.
- On 28 May 2019, the customer called again regarding his usage and advised that their daughter occasionally stayed at the property. It asked him to carry out another leak test and a follow up call was made to the customer on 30 May 2019; the customer confirmed there was no leak. The customer stated that he wanted to carry out further tests and would call back at a later date with the results.
- No further contact was received until 29 April 2020, when the customer made contact through the Resolver website, stating that the meter might be recording his neighbour's usage. The customer also telephoned and it provided information on how to check for a shared supply and any leaks.
- On 7 May 2020, it contacted the customer to explain that it could not visit due to the Covid-19 pandemic, but the customer was advised to carry out tests to check for a potential leak.
- On 1 June 2020, it contacted the customer and asked whether the tests had been carried out. The customer responded on 7 June 2020, confirming that he had completed the tests which had shown no leaks or shared supply.

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- Several further emails were exchanged and, on 7 October 2020, it sent an email to the customer confirming it would visit on 4 November 2020. On 19 October 2020, the customer emailed to rearrange the appointment.
- The visit went ahead on 9 November 2020 and identified a small leak in the toilet caused by a faulty ball valve, and a temporary repair was made. The findings were shared in an email to the customer on 13 November 2020 and it also confirmed that a meter logging device would be fitted to further monitor the water passing through the meter. On 27 November 2020, it received an email from the customer confirming that the private leak had been repaired.
- A logger was fitted and a copy of the results was emailed to the customer. These confirmed that there was no leak at the property but the customer's average daily usage during a 27-day period was 700 litres, which is similar to the most recent reading taken on 26 April 2021.
- Numerous tests to identify how water is being used at the property have been carried out. In view of the results of the tests, along with the independent data provided from the meter logging exercise, it has concluded that the water has been used and the only identified leak was on the customer's internal fittings, which it is not responsible for.
- It has applied a discretionary allowance of £21.21 to the customer's account for the period from 6 October 2020, the most recent billing period prior to the leak, to 9 November 2020, the date the leak was identified and a temporary fix was applied. This is as a gesture of goodwill as any allowance for a private leak is made at the company's discretion.
- Further liability to reduce the customer's charges is denied.

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 customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

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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 can only direct the company to reduce the customer's charges if the evidence shows, on the balance of probabilities, that the company has failed to provide its service to the standard reasonably expected by the average customer by charging the customer for water lost through an external leak, a faulty meter or a shared supply, or where the customer's charges have increased due to some other failing on the company's behalf.
2. Having reviewed all the evidence presented by the parties, including the results of the leak checks and the meter logger report, dated 25 January 2021, I find no evidence to show that the customer's high consumption is caused by a faulty meter, a shared supply or an external leak for which the company is responsible. There is no evidence to show that the high consumption of 700 litres a day is caused by a long term internal leak either. This is because the results show a normal pattern of usage and periods of no meter activity, especially during the night, which indicates that there is no internal leak.
3. I accept that a small internal leak was identified in November 2020. The customer acknowledges that the company is not responsible for repairing leaks on internal fittings, but states that the company's failure to find this leak during its first visit to his property in January 2019 prevented him from getting it repaired and resulted in high bills. However, there is no evidence to show that the small internal leak was present before November 2020 and, therefore, I cannot find the company's failure to find the leak in January 2019 amounts to a failure to provide its service to the expected standard. Also, as the logger results show that the high consumption continued after the small leak had been repaired, I do not find that it was the cause of the high bills. Having reviewed the calculation used to provide the customer with a goodwill allowance, I find that the amount paid by the company reasonably reflects the amount by which the customer's bill increased as a result of this leak.

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4. I appreciate that the customer will be extremely disappointed by my decision but, as I have found no failing on the company's part, I cannot direct the company to apply an allowance to the customer's account and his claim cannot succeed.

5. The customer has made some comments about the preliminary decision and I understand that the outcome of my adjudication was not what the customer hoped for, especially considering the customer's comments regarding the impact of this issue on his mental health. However, I have already considered most of the issues raised in the customer's comments and, therefore, there is no need for me to consider them again and my decision remains unchanged. The customer has asked for a fixed term payment plan with a review, however, I must explain that this is not something I can consider in my adjudication as it was not requested on the customer's application form. Therefore, I suggest that the customer contacts the company to discuss the available options.

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 3 November 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.

K S Wilks

Katharine Wilks

Adjudicator

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