

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X704

Date of Final Decision: 04 January 2022

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer has a dispute with the company regarding its refusal to replace the main supply pipe and the connecting pipe between the main supply pipe and her property. The customer says that she experiences low pressure and poor water delivery at her house, and company investigations show that the main supply pipe is clogged up and needs replacing. 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 company be directed to replace the connecting pipe to her property and issue an apology.

Response

The company denies any liability to the customer to replace the connecting pipe. The company says the customer's property is not connected to its water main and that she receives her water via a private supply pipe that is not a company asset. The company notes that it has made investigations into the customer's problem and has undertake remedial works at her property on her private pipework at no cost to her. The company says it cannot undertake any further work free of charge.

Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company is responsible to replace the clogged pipework negatively affecting the water flow to the customer's property. I am satisfied that the evidence establishes the clogged pipework is not a company asset. I find that the evidence does not show that the company has failed to provide its services to a reasonable level or has failed to manage the customer's account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 01 February 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- She has experienced an ongoing dispute with the company concerning issues with low pressure in the water supply to her property. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- She has experienced problems such as her washing machine stopping, hot water turning cold, and being unable to flush her toilet.
- On 01 November 2020 she observed that the company were replacing piping further along her road, supposedly because of low pressure. Consequently, she contacted the company to inform it of her own problems with low pressure.
- She acknowledges that the company responded promptly and replaced a section of pipe and the boundary box to her property. The customer says that these actions did little to alleviate the problem.
- Further investigations by the company identified that the cast iron water supply pipe between the mains and the outside stop valve [OSV] was furred up and needed replacing.
- She subsequently understood that the houses on the opposite side of the road to her dwelling also suffered from the same problems of low pressure and was disappointed to see that the company was replacing the communication pipe between the mains and OSV at each of these properties.
- The company informed her that she and the neighbours on her side of the road were on a private spur pipe that was not a company asset, and thus the company stated that it would not undertake any further remedial work and would not be replacing the communication pipe to her OSV.

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- Believing the company had not properly addressed her concerns she, on 18 August 2021, escalated her complaint to CCWater who took up the dispute with the company on her behalf. The records show that CCWater contacted the company and has been continuously involved in the dispute since.
- On 08 October 2021, CCWater advised her that following its numerous communications with the company the company had confirmed that the private spur pipe had only one connection to the company water main and that its investigations at the appropriate stop valve showed a water pressure of between 5 and 6 bar. The minimum pressure required by regulation is 0.7 bar to domestic properties.
- CCWater had concluded that it could not take any further measures to have the company change its position and was thus closing her case.
- Continuing to be dissatisfied with the response of the company she has, on 24 November 2021, referred the matter to the WATRS Scheme where she requests that the company be directed to replace the communication pipe to her OSV and pay compensation.

The company's response is that:

- It provided its response to the claim in its submission dated 07 December 2021.
- It acknowledges receiving a letter from the customer on 02 October 2020 concerning pressure issues.
- It has explained to the customer that the company water main runs down the far side of her road and that she has a similar water supply pipe (known as a "rail") on her side of the road and that there is only one single connection between these two pipes. The company noted that the rail is private and thus not a company asset and that its responsibility ends at the stop valve at the connection between the two pipes.
- On 29 October 2020 it replaced, free of charge, the OSV serving the customer's property and placed it inside a boundary box, as well as replacing a short section of pipe to connect the OSV to the customer side supply pipe.

- It is obliged by applicable regulations to provide a minimum of 0.3 bar pressure to domestic dwellings. The company records that on 18 November 2020 it recorded 3 bar pressure at the customer's OSV.
- On 04 December 2020 it re-laid, free of charge, a 4-metre section of pipe from the rail to the customer's OSV.
- It acknowledges receiving a letter from the customer dated 26 March 2021 in which she complains that despite the efforts of the company the problem of low pressure continues. The company states that it spoke with the customer on 27 April 2021 and wrote officially to her on 10 May 2021 and confirmed that it could be of no further assistance because the problem lay with her private pipe, the rail.
- It confirms that it has responded fully to CCWater's requests for information, and that CCWater found no grounds to challenge its position.
- In summary, it confirms that it has assisted the customer as much as possible without charging her, but cannot comply with her request via WATRS because the problem is with the rail and not with one of its own assets.

The customer's comments on the company's response are that:

- On 14 December 2021, the customer submitted comments on the company's Response paper. I shall not repeat word for word the customer's comments and in accordance with Rule 5.4.3 of the Rules of the WATRS Scheme I shall disregard any new matters or evidence introduced.
- The customer says the rail pipe is not on third-party land but the pipe from her OSV to the rail is on third-party land and thus can be replaced by the company. The customer also says that the houses are a mix of owners, some being privately owned and others belonging to a non-profit housing association that cannot afford the costs of replacing the pipework that is not functioning fully.

[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 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 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 is refusing to replace clogged pipes that cause low water pressure in her dwelling. The company contends that the pipes are not its assets.
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. I can see from the evidence provided that the parties agree that the customer has experienced problems because of issues with the water supply pipe to her property.
4. The customer first complained to the company in October 2020.
5. The customer acknowledges that the company responded speedily and undertook some remedial measures at her property, but she recorded that, although these measures helped, the problem of insufficient water delivery continued.
6. I can see that the company prevailed with its investigations over the ensuing months and from the evidence submitted I am satisfied that the company has established that the supply pipe (rail) on the customer's side of the road is not a company asset.

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7. The company has shown that two main supply pipes run down the road, its own water main is located on the opposite side of the road to the customer's property and her dwelling is served by the rail located on her side of the road. The company has also shown that there is a single connection between the main and the rail, and this is located some distance up the road from the customer's house.
8. The company has stated that its investigations and testing regime have identified that at the point of connection between the mains and the rail the water pressure is between 5 and 6 bar. It also notes that the pressure measured at the OSV in the customer's garden was 3 bar, and is therefore in excess of the regulation requirement of 1 bar for a domestic property.
9. From the evidence submitted I am satisfied that it has been established that the problem experienced by the customer is caused by water flow and not water pressure.
10. The parties agree that the weak flow is caused by furring inside the rail, as identified when the company cut out a section of the pipe. The company says the optimum solution is to replace the entire length of the rail.
11. However, as the rail is not a company asset it will not replace it.
12. In her application to the WATRS Scheme the customer has requested that I direct the company to replace the communication pipe from the rail to the OSV at her property. Again, the company has established that this communication pipe is not one of its assets and it will not replace it.
13. Quite simply, the company's responsibility ends at the stop valve where the connection from the mains enters the rail. Thus, I shall not direct the company to replace the communication pipe between the rail and the OSV at the customer's property.
14. The customer also requests that the company be directed to pay her an unspecified amount of compensation. The customer has not stated the basis for the compensation claim.
15. I find that the company has taken the customer's complaint seriously and has responded to a reasonable level. It has undertaken investigations and completed remedial works on the customer's private supply pipework at no cost to the customer.
16. The company has also confirmed that it did not perform the pipe replacement works to properties on the opposite side of the road to the customer's dwelling.

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17. I also take note that the company has advised the customer that its recommended course of action would be for her to apply to have a direct connection installed between her OSV and the company's main supply pipe.

18. I thus find that no act or omission by the company has caused the water flow problem experienced by the customer and thus I find that compensation is not appropriate.

19. Overall, I am satisfied that the evidence submitted has not established that the company has not supplied its services to a reasonable level.

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

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 17 December 2021.
- The customer has, on 21 December 2021, submitted comments on the Preliminary Decision.
- The customer repeats her understanding that she believes the company replacing its communication pipe would improve the supply to her property.
- The company has, on 24 December 2021, confirmed that it has noted the content of the Preliminary Decision.
- The company says, in response to the customer's comment, that it monitored the pipe in June 2021, and it is functioning satisfactorily and does not need replacing. The company repeats its position that it is the privately owned rail pipe that requires replacing.
- Having read the comments of the parties I am satisfied that no amendments are required to the Preliminary Decision.

Outcome

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 by 01 February 2022 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.
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Peter R Sansom
MSc (Law); FCI Arb; FA Arb; FRICS;
Member, London Court of International Arbitration.
Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Adjudicator

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