

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X728

Date of Final Decision: 21 January 2022

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer claims that the company incorrectly charged him for a property in which he did not reside between January and May 2021 and then pursued him for a debt that was never due, both of which led to inconvenience and distress. The customer is seeking the company to apologise, revise his charges to start from the beginning of May 2021, remove the adverse credit marks on his account and pay compensation of £500.00 for the inconvenience and distress caused.

Response

The customer's account was opened on 28 January 2021 after it found the customer had used the property to secure financial credit. The customer has not provided any proof that he was not the occupier of the property within this period. The fact that the customer had used the property to secure financial credit is evidence of his occupancy. Several bills and reminders were sent to the customer between March and September 2021. The company states that as the customer failed to keep his account up to date regarding payment, the company was entitled to begin its recovery process according to its policy set out in its Charges Scheme. The company has not made any further offers of settlement.

Findings

I am satisfied that the evidence shows that the company did not fail to provide the customer's services to the standard reasonably expected concerning billing the account and its debt collection process.

Outcome

The company needs to take no further action.

The customer must reply by 11 February 2022 to accept or reject this decision.

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ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-X728

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Case Outline

The customer's complaint is that:

- The company incorrectly charged him for a property he was not a resident at between January and May 2021 and then pursued him for a debt that was never due, both of which led to inconvenience and distress.
- The customer is seeking the company to apologise, revise his charges to start from the beginning of May 2021, remove the adverse credit marks on his account and pay compensation of £500.00 for the inconvenience and distress caused.

The company's response is that:

- The customer's account was opened on 28 January 2021 after it found the customer had used the property to secure financial credit.
- The customer has not provided any proof that he was not the occupier of the property within this period and the fact that the customer had used the property to secure financial credit is evidence of his occupancy.
- Several bills and reminders were sent to the customer between March and September 2021.
- As the customer failed to keep his account up to date regarding payment, the company is entitled to begin its recovery process according to its policy as set out in its Charges Scheme.
- The defaults on the customer's account were correctly reported, and the company cannot remove them.

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.

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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 customer is entitled to have the adverse credit marks on his account removed as they relate to a period where the company opened an account for him at an address, which he claims he was not occupying at the time.
2. The company must meet the standards set out in OFWAT's Charges Scheme Rules, the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 and the Water Industry Act 1991.
3. The company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and its own Guarantee Standards Scheme (GSS).
4. From the evidence put forward by the customer and the company, I understand that the property had been unoccupied since 2017. On 28 January 2021, following credit checks on the property, an account was opened for the customer for the property located at (REDACTED). The company says that it found 17 strong financial links between the customer and the property, all of which indicated that the customer was the occupier of the property.
5. On 28 January 2021, confirmation of the account being opened was sent to the customer at the property, and the first bill was sent to the customer. Between January and April 2021, the company continued to send its bills and correspondence to the customer at the property. During this period, the company notified its credit reference agencies that the account was overdue, and default marks were then placed on the customer's credit file.

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6. Between 23 April and 5 June 2021, the customer contacted the company stating that he could not be considered the occupier of the property until he moved into the property in May 2021. The company responded by asking for evidence that he lived elsewhere until May 2021. However, I understand that no such evidence was provided.
7. The evidence shows that the customer wished the company to remove the negative marks on his credit file and revise his charges. The customer believed that he only moved into the property in May 2021. However, the company believed that as it never received any evidence that the customer lived elsewhere between January and April 2021, the charges were raised correctly, and it has to report the activity on the account accurately. The company would not remove the negative markers as doing so would be falsifying information.
8. However, a solution could not be reached, and the customer progressed matters to CCWater to resolve without success. The customer remained unhappy with this outcome, and on 18 November 2021, commenced the WATRS adjudication process.
9. Concerning the customer's comments that he only moved into the property in May 2021 and there is no financial evidence to support the company's claim that he was the occupier, the customer states that his mother, who is in a care home, also had financial connections and correspondence related to the property, and she was also not an occupier. Whilst I sympathise with the customer, neither party has provided me with any actual evidence showing that the customer was living elsewhere between January and April 2021. I note that the company has requested that the customer provide some evidence that he was living elsewhere, and to date, the customer has not provided any evidence. The customer has stated he does not have the evidence to show that he was living elsewhere, and the documents he has provided do not show his previous address. The company has provided a screenshot showing that the customer has had 17 different financial links with the property since 2017, which is strong evidence that the customer was the occupier of the property. WATRS is an evidence-based scheme, and without any evidence, I find I cannot say with any certainty that the customer was, in fact, not the occupier or that the customer was living elsewhere between January and April 2021.
10. Bearing in mind the above, I am satisfied that the company acted in good faith when opening an account for the customer at (REDACTED). Concerning the debt collection process, between February and April 2021, various demands and notices of action were sent to the customer as the company had not received payment. The evidence shows that none of this

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correspondence sent to the property was returned advising that the details were incorrect. In light of the above, I find that it has not been proven that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning opening the account for the property.

11. Section 143 of the Water Industry Act 1991 gives the company the power to set a Charges Scheme. Where a bill has not been paid, in line with the company's Charges Scheme, a debt recovery process is in place for all of its customers. In compliance with OFWAT's guidelines on collecting debt, if no payment plan is in place with the company or full payment has not been received, the company is entitled to report any late payment to the credit reference agencies and pass the debt onto a debt collection agency. In light of the above, I find that it has not been proven that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning its debt recovery processes.
12. I understand that if the customer does provide some evidence that he was living elsewhere between January and April 2021, the company will review the customer's file and make any necessary changes to the customer's account and credit file.
13. The company has certain obligations in respect of its customer services. As evidenced by the timeline within the company's response documents, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained the reasons behind why the debit on the customer's account was correct and payable. Accordingly, I am satisfied there have been no failings concerning customer service.
14. In light of the above, I find the evidence 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 opening the account for the customer's property and the debt recovery process, nor has it shown the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I am satisfied there have been no failings concerning customer service.

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Outcome

The company needs to take no further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 11 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.



Mark Ledger FCI Arb
Adjudicator

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