

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X779

Date of Decision: 16 March 2022

#### Complaint

The customer says that she has been billed unfairly by the company and was not fully informed by the company of her available options.

#### Response

The company says that the customer has been billed correctly and was properly informed of her options.

No offer of settlement has been made.

#### Findings

The company failed to provide its services to the customer to the standard to be reasonably expected by the average person by failing to inform her when she initially raised her complaint of the possibility of having the water supply to the Property disconnected.

#### Outcome

The company needs to take the following further action: It must apologise to the customer for failing to inform her when she initially raised her complaint of the possibility of having the water supply to the Property disconnected.

The customer must reply by 13 April 2022 to accept or reject this decision.

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# ADJUDICATOR'S DECISION

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Date of Decision: 16 March 2022

## Party Details

**Customer:** The Customer

**Company:** The Company

## Case Outline

### **The customer's complaint is that:**

- She has been charged the rateable value for the Property in a period in which it was unoccupied and no water was used.
- She was not informed that she could have had the water supply disconnected, and would then not have had to pay charges.
- She has previously been told that a water meter could not be fitted at the Property, by one of the company's engineers who was fitting a meter at another property.
- She requests that the charges be reduced or removed.

### **The company's response is that:**

- On 2 August 2021, the company identified the customer as the owner/landlord of the Property. The customer was sent a bill and letter.
- The customer made contact on 3 August 2021 to advise that the Property was empty and a sale had been agreed. The company advised that the bill covered the period up to 30 September 2021, when the sale was due to complete.
- The company discussed the bill with the customer on 9 August 2021 and advised of the possibility of having a meter fitted. The customer declined, as a sale had been agreed.
- The company discussed the bill with the customer on 16 August 2021, repeating the offer of installing a water meter, but the customer declined, stating that one could not be fitted in the Property.

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- On 23 August 2021, the company wrote to the customer, explaining the charge and offering to attend the Property to determine if a water meter could be fitted. The customer was also advised of the possibility of having the water supply disconnected.
- The company says that while disconnection of the water supply was not initially mentioned to the customer, this was reasonable given the pending sale and the substantial charges for reconnecting the supply.
- The company has no record of any of its engineers advising the customer that a water meter could not be fitted at the Property.
- The company says that the customer has been charged correctly.

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

- While the impact of having a water meter was discussed, the company never offered to install a meter.
- She believes the company's approach to charging for empty properties is unfair.

**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.

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.

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### How was this decision reached?

1. As a regulated water retailer, the company is required to bill its customers in accordance with a published charges scheme and to provide its services in accordance with its licence and any applicable Ofwat guidance. The company's charges scheme must adhere to rules made by Ofwat, the Water Services Regulation Authority, the designated regulator in this sector.
2. The consequence of this is that, as specified in Rule 3.5 of the Water Redress Scheme Rules, a WATRS adjudicator does not have the authority to decide on the fairness or correctness of a company's charges scheme, as this responsibility has been given by the Water Industry Act 1991 to Ofwat.
3. Instead, with respect to the type of claim brought by the customer, a WATRS adjudicator may only examine whether the company has properly adhered to its published charges scheme and to its licence and any applicable Ofwat guidance, and whether it has fulfilled its customer service obligations to the customer.
4. In the present case, the company has satisfactorily established that applying full rateable charges to the Property while it is vacant is in accordance with its charges scheme. Therefore, as just explained, the company must be found to have met its obligations to the customer in this respect. If the customer wishes to challenge this element of the company's charges scheme, she must do so with Ofwat.
5. In her comments on the Proposed Decision in this case, the customer states that the company treated her as though she had refused to have a meter installed, rather than being unable to get one installed. However, I find that the evidence shows the company investigating the customer's statement that she was told by one of its engineers that a meter could not be installed and confirming that it had no evidence of such guidance being given. I do not find that it constituted a failure by the company to provide its services to the customer to the standard to be reasonably expected by the average person to insist that a proper examination of the Property be made prior to a formal decision being made regarding the possibility of installing a meter in the Property.
6. Nonetheless, while I accept that the company provided its services to the customer to the standard to be reasonably expected by the average person with respect to the charging of the

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Property, I find that it failed to do so with respect to its response to the customer's complaint. While the evidence shows the company expressly discussing with the customer that having a meter installed would allow her to avoid charges for water usage being imposed when no water was being used, the company acknowledges that it initially did not also mention to the customer the possibility of having the water supply disconnected entirely.

7. The company argues that it was reasonable not to mention the possibility of disconnection given the pending sale of the Property and the substantial charges for reconnection, however it is not the company's role to determine for the customer which actions it would be reasonable for her to take. The company's responsibility was to ensure that the customer was properly informed of her options, and by failing to inform her of the possibility of a complete disconnection of the water supply it failed to meet that responsibility.
8. Nonetheless, the company's failing in this respect does not affect the liability of the customer for the charges that have been imposed, and no evidence has been provided that would justify a conclusion that the customer would have taken this option if it had been mentioned or that she suffered any losses because it was not mentioned.
9. As a result, I find that the appropriate remedy for the company's failure to provide its services to the customer to the standard to be reasonably expected by the average person is that the company apologise to the customer for failing to inform her when she initially raised her complaint of the possibility of having the water supply to the Property disconnected.

#### **Outcome**

The company needs to take the following further action: It must apologise to the customer for failing to inform her when she initially raised her complaint of the possibility of having the water supply to the Property disconnected.

#### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 13 April 2022 to accept or reject this decision.

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- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
  - If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
  - If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.
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Tony Cole

**Tony Cole, FCI Arb**

**Adjudicator**

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