

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X803

Date of Final Decision: 7 March 2022

#### Party Details

**Customer:** The Customer

**Company:** The Company

#### Complaint

The customer says the company applied incorrect charges due to an issue with her water meter caused by the wholesaler. She says she has suffered worry and stress due to the time spent trying to resolve this and being chased for payment. She claims for the company to provide an apology, adjust her bill and pay an unspecified sum of compensation.

#### Response

The company has not provided a response.

#### Findings

The evidence does not show the company failed to provide its services to the standard to be reasonably expected. Therefore the customer's claim is unable to succeed.

#### Outcome

The company does not need to take any further action.

The customer must reply by 4 April 2022 to accept or reject this decision.

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## Case Outline

### The customer's complaint is that:

- In early 2021 there was an unexplained surge in her water usage as recorded by the water meter. However, her business was closed during that time, there was no increased water usage and no leaks.
- She believes the water meter was disrupted due to works by the wholesaler, REDACTED, at the time as there is no other explanation. However, the wholesaler has not accepted this.
- The company insists on her paying the charges even though she has not used the water.
- She has suffered distress constantly having to explain herself and due to the company chasing her for payment.
- She seeks that the company provide an apology, adjust her charges and pay an unspecified sum of compensation.
- In comments on a preliminary decision the customer reiterated her complaint against the wholesaler and maintained she had been charged for water she did not use.

## 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

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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. In order to make a decision in this matter I must clearly distinguish between actions taken by the wholesaler and the duty owed by the retailer (the company) to its customers. Since the water market in England opened up to retailers in April 2017, all non-household customers have been moved to a wholesale/retail split service. As a result, a non-household customer now only has a relationship with the retailer. In turn, an adjudicator operating under the Water Redress Scheme may only make findings related to those things for which the retailer, as the party to the case, has responsibility, and not those things for which the wholesaler has responsibility. This includes, however, the effectiveness with which the retailer has operated as an intermediary between the wholesaler and the customer.
2. On review of the documents provided I am satisfied the company acted properly in liaising between the customer and wholesaler and in raising complaints to the wholesaler on the customer's behalf.
3. As the wholesaler maintained the charges were correct and due, I consider the company acted properly in billing the customer based on the water usage recorded. The company had no obligation to waive the charges, though I note it waived 20% as a goodwill gesture.
4. The company was also entitled to seek payment and take any debt collection action as necessary.
5. I understand why the customer believes the charges are incorrect, however the dispute about the water meter readings is between the customer and the wholesaler. Insofar as I can adjudicate on the actions of the company, I do not find it failed to provide any services to the standard to be reasonably expected.

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6. I appreciate that the customer will be disappointed with the outcome of this decision. However, for the reasons explained above, I am unable to find any failing by the company. Therefore, the customer's claim is unable to succeed.
7. I acknowledge the customer's comments on a preliminary decision, namely her concern that her complaint was misunderstood, leading her to reiterate her key points. However, the customer should be assured I have understood the complaint. It remains that the company has relied on the meter readings to bill the customer and I cannot find it at fault for doing so. I cannot comment on the customer's complaint that the wholesaler interfered with the water meter as this is not within my remit as explained at paragraph 1.

#### **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 4 April 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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J Mensa-Bonsu LLB (Hons) PgDL (BVC)

**Adjudicator**

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