

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X010

Date of Final Decision: 5 July 2022

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer says the company has unreasonably refused a leakage allowance. He seeks that the company provide this.

Response

The company says it has refused a leakage allowance in accordance with its terms. It denies the claim.

Findings

The evidence shows the company provides its services to the standard to be reasonably expected.

Outcome

The company does not need to take any further action.

The customer must reply by 3 August 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- His company manages a block of flats. It received two large bills in September 2018 and February 2019 due to a leak.
- The residents of the building did not immediately notice their bills had increased.
- It then took longer to identify and resolve the leak at the stop tap as this had been cemented over.
- The company has refused a leakage allowance but he considers it should provide one in the circumstances.
- He seeks that the company apply a leakage allowance.
- The customer has not commented on the company's defence.
- The customer has not commented on a preliminary decision.

The company's response is that:

- The account holder is a company. However the complainant is not an officer of the company and so is unable to bring the claim on its behalf.
- In accordance with its Charges Scheme, it will consider a claim for a leakage allowance provided the claim is made within 18 months from the date the leak became reasonably evident and the leak is repaired within 30 days.
- On 4 September 2018 it sent the customer a letter regarding high consumption.
- The account holder contacted it regarding a possible leak on 19 October 2020. At that time, it suggested he check with the tenants as to any recent plumbing works.
- The customer was made aware of the leak more than 18 months prior and there is no evidence it was repaired within 30 days. Therefore, it did not have to consider a leakage allowance.
- It denies the claim.

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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.

How was this decision reached?

1. The WATRS scheme rules say a customer can use the scheme and that the customer can be a company. However, it does not require "an officer" of a company to bring the complaint.
2. The CCWater documents show that both CCWater and the company corresponded with the complainant prior to WATRS in respect of the company's account. Bearing this in mind and, as the documents show he is an employee of the company, I consider he is eligible to bring the claim.
3. The company has provided a copy of its Charges Scheme which sets out the circumstances where it will consider a leakage allowance. The customer does not dispute these terms but considers the company should exercise discretion given his circumstances.
4. I am satisfied the company's refusal of a leakage allowance is in line with its Charges Scheme.

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5. I acknowledge the customer says residents did not immediately notice their bill increase however the company had issued bills to the account holder who should have been aware of the increase. Further the company sent a letter to the account holder warning of high consumption. I therefore do not consider the company acted unreasonably in refusing to exercise discretion on this point.
6. I also acknowledge the customer's assertion that the company should have ensured its stop tap was accessible. However there is no evidence the company itself blocked the tap or that it was previously asked for access. I therefore do not consider the company acted unreasonably in refusing to exercise discretion on this point.
7. As the company acted in line with its terms of service and as the evidence does not show it failed to provide its services to the standard to be reasonably expected, the customer's claim is unable to succeed.

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 August 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.



J Mensa-Bonsu LLB (Hons) PgDL (BVC)
Adjudicator

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