

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X881

Date of Final Decision: 13 May 2022

Party Details

Customer:

Company:

Complaint

The customer claims that the company refuses to maintain and repair the previously adopted supply pipe leading to his property, REDACTED. The customer is seeking the company to be responsible for the supply pipe causing the leak.

Response

The customer's supply pipe is a private water supply pipe and has not been adopted. The company has made it clear when it has visited the property that it is not responsible for the repair nor has it been adopted, and the customer has confirmed he would have the work completed himself. The customer has previously been issued with a section 75 for the same section of pipework and is fully aware of his responsibilities. The company has not made any offers of settlement.

Findings

I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding the customer's private supply pipe.

Outcome

The company does not need to take any further action.

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

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Case Outline

The customer's complaint is that:

- The company refuses to maintain and repair the previously adopted supply pipe leading to his property, REDACTED.
- The customer is seeking the company to be responsible for the supply pipe causing the leak.

The company's response is that:

- The customer's supply pipe is a private water supply pipe and has not been adopted.
- The company has made it clear when it has visited the property that it has not been adopted and it is not responsible for the repair, and the customer has confirmed he would have the work completed himself.
- The customer has previously been issued with a section 75 for the same section of pipework and is fully aware of his responsibilities.

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 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.

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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. This dispute centres on whether the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning the customer's supply pipe.
2. The company is required to meet the standards set out in the Water Industry Act 1991, and the effect of this is to place an obligation on a water and sewerage company to connect a customer's premises to the company mains water, maintain its pipework and provide a supply of water for domestic purposes.
3. Furthermore, the company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and its Customer Guarantee Scheme.
4. From the evidence put forward by the customer and the company, I understand that the customer contacted the company on 30 December 2020 regarding a leak on his supply pipe. The company attended the customer's property and, on 31 December 2020, as a gesture of goodwill, completed a repair to the customer's supply pipe.
5. Between 26 January and 19 February 2021, various correspondence took place between the parties as to the ownership of the supply pipe and who was responsible for its repair. The customer was of the view that the company had taken ownership of the supply pipe, and it was the company's responsibility to maintain and repair it. The company maintained its view that the supply pipe was private and any previous repair was a gesture of goodwill.
6. On 31 March 2021, the customer contacted the company to advise of a leak of which he could not establish the source. The company attended the same day and confirmed that a leak existed on the customer supply pipe, and as it was private, he would need to have it repaired.
7. The customer remained unhappy with the company's response and escalated the dispute to CCWater in June 2021 to resolve it without success. On 28 February 2022, the customer commenced the WATRS adjudication process.

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8. As set out in the company's response and OFWAT's website, the company is responsible for the pipework up to the stop tap, including the stop tap itself. The supply pipe carries water to the customer's property, and the internal pipework is owned by the property owner, who is responsible for maintenance and keeping it in good condition.
9. The company, within its response, admits adopting a small section of the supply pipe up to REDACTED. However, it has never discussed the adoption of any further pipework past REDACTED towards the customer's property, REDACTED. The company's mapping system shows no pipework towards REDACTED, and the company has never maintained this section of pipework.
10. I note the customer's comments that it is unreasonable that the company accepts the reasonability up to REDACTED but not the additional section of pipework to REDACTED. Furthermore, the company has made previous repairs to this pipework, indicating that the company had ownership of the supply pipe.
11. Whilst I sympathise with the customer, after reviewing the documents put forward in evidence, I find that the default position is that unmapped pipework would be the responsibility of the freeholder rather than the company. The various maps and documentation show that the mapped pipework runs as far REDACTED. Therefore, I find that the pipework beyond this point is private and the responsibility of the customer. Furthermore, the evidence shows that the company is not required to adopt this additional private pipework. Regarding the previous repairs undertaken by the company, on the balance of probabilities, I find that they were most likely gestures of goodwill as the 2018 mapping only shows the pipework up to REDACTED and, therefore, any pipework not shown would be private.
12. The company has certain obligations in respect of its customer services. From the evidence provided, 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 supply pipe between REDACTED and REDACTED was the customer's responsibility. Furthermore, on reviewing the various correspondence, I believe that the company dealt with the customer's concerns efficiently and appropriately considering the circumstances. I note that where there has been a delayed response to the customer, the company has made a payment under its Customer Guarantee Scheme.

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13. Considering the above, I find the customer 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 the customer's supply pipe.

Outcome

The company does not need to take any further action.



**Mark Ledger FCI Arb
Adjudicator**

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 3 June 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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