

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X926

Date of Final Decision: 14 June 2022

Party Details

Customer A:

Customer B:

Representative:

Company:

Complaint

Customer A says the company did not action her request for a water meter in 2019 and delayed applying Assessed Household Charges until 2021, meaning she has overpaid. She wants the company to apologise; amend her bills and; pay an unspecified sum of compensation.

Customer B says the company delayed installing water meters at his own property and at another property. He wants the company to install water meters and pay an unspecified sum of compensation.

Response

The company says Customer A did not request a water meter at any time. It charged her correctly based on unmetered charges until it assessed the property for a meter in 2021. It then applied the Assessed Household Charge as a meter could not be fitted. It therefore denies the claim.

Findings

Customer B has not completed the company's complaints process or been referred to WATRS by CCWater and therefore his application is invalid.

In respect of Customer A, the evidence does not show the company failed to provide its services to the standard to be reasonably expected.

Outcome

The company does not need to take any further action.

Customer A must reply by 12 July 2022 to accept or reject this decision.

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Case Outline

The customers' complaint is that:

- Customer A says the company delayed billing two properties (both her property and another) based on the Assessed Household Charge, meaning both she and the other occupier have paid more than they should have done.
- Customer A wants the company to apologise for failing to install a water meter when first requested; to amend its bills to reflect its delay in applying the Assessed Household Charge and; to pay an unspecified sum of compensation.
- In comments on the company's response, Customer A maintains the company should backdate the Assessed Household Charge to the date she requested a water meter in 2019.
- Customer B says the company delayed installing water meters at his own property and, at another property.
- Customer B wants the company to install water meters at the properties and pay an unspecified sum of compensation.
- In comments on a preliminary decision Customer A says she had a contract to pay towards the bills of her neighbour on the understanding they shared a water supply. However the company set up an account and billed her without her consent, leaving her liable to pay two bills. Further, her bill was much higher than her neighbour's because the company had not applied the Assessed Household Charge from the start. She also provided evidence of a new complaint with the company.
- The representative said they raised issues regarding Customer B during correspondence with CCWater at the time Customer A's complaint was dealt with.

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The company's response is that:

- The customers have two separate accounts at two different properties. It cannot share information related to two other accounts for data protection reasons.
- As to the customers, it disputes the eligibility of their application as they have named a company on the form which has no connection to either account.
- In relation to Customer A only:
- It opened Customer A's account in February 2020 applying unmetered charges. It sent her an introductory letter which gave details about water meters.
- Customer A failed to pay her bills and it sent demands and notices. It then received a complaint on behalf of the customer disputing her bills as she believed she shared a metered bill with her neighbour.
- It addressed the complaint and explained the customer had her own account and was billed individually based on the notional value of the property.
- The customer did not apply for a water meter at any time. However, in October 2021 it carried out a survey and found it was unable to install a meter at her property. The customer then became eligible for the Assessed Household Charge which it applied from that date based on a single occupier.
- The customer has still not made any payments towards her bills and it is now aware she is not a single occupier. It will therefore amend her bills to reflect this.
- It denies Customer A's claim.
- I have not detailed the defence in respect of Customer B or other customers for reasons explained below.

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. Under WATRS rule 2.3, applications may be made on behalf of more than one customer. However, each customer must be a named signatory to the application and must confirm that they wish to refer the dispute to the Scheme. Alternatively, each customer must have confirmed on their application that they agree to a representative acting for them on behalf of all of the signatories. Once an application to the Scheme has been initiated, it will not be possible to add further names and a further application will have to be made in respect of any additional customers.
2. Under WATRS rule 1.6, an application for adjudication can only be made by a customer of a water and/or water and sewerage company if the dispute has not been resolved to the customer's satisfaction after exhausting the company's complaints procedure and after CCW has issued the customer with written confirmation stating that they can refer the dispute to WATRS.
3. On review of the information provided including the CCWater documents, I note that only Customer A has complained to both the company and CCWater and been referred to WATRS. I am therefore unable to consider the complaint raised by Customer B. I note Customer A referred to the situation with Customer B in communications with CCWater but CCWater did not consider any complaint raised by or on behalf of Customer B or refer this to WATRS.
4. Customer A or her representative are only entitled to bring a complaint in relation to Customer A's account. I am therefore unable to consider any dispute related to a second property, where the relevant customer has neither been referred by CCWater or confirmed they wish to refer a dispute to WATRS.

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5. I am satisfied Customer A is named on the WATRS application form and has signed all relevant documents making clear she wishes to bring a dispute to WATRS and has properly named a representative. It is unclear why she has also named a company on the application form however noting English is not her first language I do not consider this renders the application invalid.
6. In short, I can and will consider Customer A's complaint that the company delayed acting on her request for a water meter and delayed applying the Assessed Household Charge. I have referred to Customer A as "the customer" below.
7. I must reach findings based on the information and evidence available and considering what is more likely than not to have happened i.e. on the balance of probabilities. Where it is one person's word against the other and there is no documentary evidence to support either position, I am unlikely to be able to say even on balance, that one position is correct.
8. The customer says she requested a water meter in 2019, but she has not been able to provide any evidence to support this. The company denies receiving any request. It says it had no contact from the customer until she complained about her bills in August 2020.
9. On the limited information available, I find there is a lack of evidence to show the company received a request for a water meter in 2019 and then failed to act on this. The evidence does not show the company failed to provide its services to the standard to be reasonably expected in this regard.
10. The documents show the company took action to assess the customer's property for a meter in October 2021 and on finding it unmeterable applied Assessed Household Charges. The evidence does not show the company delayed in this action. Therefore, I cannot say the company failed to provide its services to the standard to be reasonably expected.
11. As I cannot say the company failed to install a water meter upon request or delayed applying the Assessed Household Charge, the customer's claim is unable to succeed. I appreciate the customer will be disappointed with this outcome, however I must reach my findings based on the evidence available.

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12. To address comments on a preliminary decision, I am aware Customer A paid towards her neighbour's water bill, as she was unaware the company would bill her separately. However, the company is entitled to charge the customer for water supplied to her and it has evidenced it sent her bills. Any dispute between the customer and her neighbour has no bearing on my decision.
13. The customer is also unhappy her bills were greater than her neighbour's. However, the company has explained in its defence that it was entitled to bill the customer based on the Notional Value until it determined it could not fit a water meter. Only at that time was it obliged to bill based on the Assessed Household Charge. Therefore, the customer's comments do not affect my decision.
14. I cannot consider any new matters or new complaints as raised in the customer's comments. The customer will have to raise any new issues to the company in the first instance.

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 12 July 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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