

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X930

Date of Decision: 13 June 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding the functioning and accuracy of the meter installed at his property. The customer believes that the meter is over-recording his consumption either because it is faulty or because of a leakage on the company's supply pipe. The customer states he does not accept the company's investigations that concluded that a leak was present inside his property. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore he has brought the claim to the WATRS Scheme and asks that the company be directed to adjust his bill to reflect actual consumption.

Response

The company states that it has fully investigated the customer's complaints and is confident that the meter is functioning correctly and accurately. The company notes that the customer has a record of high consumption and accepts that his bill will increase when he is moving from unmeasured to a measured tariff in June 2022. The company acknowledges that the customer has expressed concerns over the operation of the meter, but it records that he has refused to have the meter independently tested. The company did not make any formal offer of settlement to the customer and states that as the customer is not on a measured tariff it cannot adjust his bills against actual consumption.

Findings

I find that the evidence does not support the customer's claim. I am not satisfied that the evidence shows that the meter is malfunctioning or leaking. I further take note that the customer declines to agree to have the meter independently tested. I find that the evidence shows that the company has provided its services to a reasonable level and has managed the customer's account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 11 July 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with billing and metering on his account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- Since occupying the property he has been charged according to a Rateable Value [RV] tariff.
- In August 2017 the company fitted a water meter to his supply.
- In April 2019 he contacted the company to complain that the meter pit was full of water, and thus he believed there was a leak somewhere on the system. The customer says the company investigated and replaced the meter box.
- In August 2021 he complained to the company that it seemed he was using a high amount of water at between 1,000 and 1,500 litres per day. The customer says that he understood the average consumption for a family of six, such as his, was 700 litres per day. The customer says he asked the company to investigate his consumption.
- On 09 November 2021 he contacted the company in writing to set out his complaints because he was not receiving satisfactory responses to his telephone requests.
- Subsequently, the company investigated and advised him that it did not identify any leak on the supply pipe before the internal stop valve and thus the leak was inside his house.
- On 15 December 2021 he submitted a detailed response to the company rejecting its findings.
- Believing the company had not properly addressed his concerns he, also on 15 December 2021, escalated his complaint to CCWater who took up the dispute with the company on his behalf. The records show that CCWater contacted the company and has been involved in the dispute since.
- Records show that on 30 December 2021 CCWater contacted the company requesting updated information and details of the customer service provided.

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- The company responded to both the customer's and CCWater's communications of 15 December 2021 with its letter dated 11 January 2022 answering in detail all requests for information and clarification, and confirmed that it had nothing further to add.
- CCWater advised him on 25 January 2022 that it believed the company had issued its final position on the dispute and therefore it concluded that it could not take any further measures to have the company change its position and was thus closing his case.
- Continuing to be dissatisfied with the response of the company he has, on 27 April 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to adjust his bill to show actual consumption.

The company's response is that:

- It provided its response to the claim in its submission dated 10 May 2022.
- It is empowered under its Charging Scheme, as approved by OFWAT, to compulsorily instal a meter at the customer's property.
- It has the policy of sending customers comparative bills, for a period of twenty-four months in the customer's case, showing the charges for both measured and unmeasured tariffs.
- It has responded to all the communications from the customer and has provided him with evidence of meter readings and the continuous flow identified at his property.
- It also records that it has extended the two-year change-over period from unmeasured to measured charges at the customer's property, noting that he should have been transferred to a metered charge in 2019 but this is extended until June 2022.
- It acknowledges that the customer has raised questions as to the accuracy of the installed meter and states that it has described to the customer the process for having the meter independently checked. It notes that the customer has refused to accept the cost of the test if it shows the meter to be working correctly, and thus the meter remains untested.
- It confirms that the meter is not connected to a shared supply, and thus all water recorded is for consumption incurred by the customer.
- Its investigations have identified no leak on company assets and that because of the low continuous usage (less than 10 litres per hour) it is satisfied that the leak identified is inside the customer's house.

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- It has investigated the customer's complaint that his meter pit is full of water, and it confirms that it is rainwater and that the meter itself is not leaking.
- As the investigations show the meter is functioning correctly then all water passing through the meter is regarded as being an accurate record of the customer's consumption, and as such the company is entitled to charge him for the usage.
- It takes note that the customer requests the adjudicator to direct the company to amend his bills to reflect actual consumption, but points out that the customer is not being charged on a measured tariff but on a RV tariff that is not based on actual consumption.
- In summary, it states that its investigations confirm that the meter is working correctly and that should the customer dispute this he would have to agree to pay the charge to have the meter independently tested should it be confirmed that the meter is not faulty.

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 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 dispute relates to the customer's dissatisfaction that the company has not fully investigated his complaints regarding high charges, a possible leak in the system, and the accuracy of the meter installed at his property. The company contends that it responded to all the customer's

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- complaints and has thoroughly examined the meter pit, has confirmed the customer is not on a shared supply, and has checked the system for leaks.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.
 3. I accept from the evidence submitted by the company that it has established its authority to compulsorily install a meter at the customer's property.
 4. It seems to me that the customer has been the occupier of his property since March 2005. From that time to date the company has placed him on a RV tariff and charged him accordingly.
 5. The evidence shows that on 30 August 2017 the company wrote to the customer and informed him that a meter had been fixed to his supply and a two-year comparison period between unmeasured and measured tariff charges would commence.
 6. I can see that the evidence supports that the company has followed the procedures set down in its Charging Scheme in respect of commencing the process of changing the customer from a RV tariff to a measured tariff.
 7. I am also satisfied that the comparative charging information submitted periodically to the customer showed him that his metered charges would be considerably increased over the RV charges when he was transferred to the measured tariff.
 8. Also, the evidence shows that the company did not pass the customer onto a measured tariff in August 2019 as it originally intended because a high continuous flow of up to 70 litres per hour had been identified on the meter. The company shows that in January 2020 the flow had been reduced to 1 litre per hour and the company understood that the customer must have affected repairs at the property to reduce the flow.
 9. I can see that in August 2021 the evidence shows the customer contacted the company because he was concerned that he understood he was consuming between 1,000 and 1,500 litres of water each day. It seems to me that the customer understood this level of consumption from reference to the comparative data provided to him by the company.
 10. The evidence also shows that correspondence and contact continued between the parties throughout September, October, and December 2021, and culminated in the customer's detailed e-mail of 15 December 2021.
 11. I can see that the evidence shows that the company made a detailed investigation of the issues raised by the customer in relation to the functionality of the meter. The company stated to the

customer that its investigation identified no leak on its assets but a continuous flow of 1 litre per hour was still ongoing.

12. I also note that the customer was not happy with the findings of the company and stated that he had retained a plumber to inspect the water supply inside his house and it had not identified any leakage. Unfortunately, the customer does not submit any report from his plumber to support this position.
13. I also take note that the company has advised the customer that if he believes the meter is malfunctioning he has the right to have the meter independently tested. I am also aware that the company advised the customer that, according to its approved Charges Scheme, should the meter be found to be working correctly he would be responsible to pay the cost of the test. I understand that the customer has refused to have the meter tested.
14. The customer, in his application to the WATRS Scheme, has requested that I direct the company adjust his bill to reflect actual consumption.
15. As the company has pointed out, and the customer has not refuted, it is not charging the customer according to a measured tariff that charges for actual water consumed. The customer remains on the RV tariff, and this is charged on an unmeasured basis. Thus, I am not able to direct the company to adjust bills issued against the RV tariff.
16. However, if the customer remains concerned that his charges will rise significantly as from June 2022 when he moves onto the measured tariff then I note that he has the option to have the meter tested for accuracy.
17. Currently, I am satisfied that the evidence does not support the claim that the meter is over - recording the customer's usage and thus inflating his bills.
18. My conclusion on the main issues is that the company has not failed to provide its services to the standard to be reasonably expected by the average person.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 20 May 2022.
- The customer has, on 27 May 2022, submitted comments on the Preliminary Decision.
- The customer acknowledges the company has the right to compulsorily instal a meter but asserts that it should also be required to ensure the meter always works satisfactorily.
- The customer says the company has not established that the meter is working correctly. Similarly, it has not provided evidence to confirm that the water in the meter box was because of weather conditions.

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- The company submitted comments on the Preliminary Decision on 06 June 2022.
- The company repeats that the customer is entitled to have the meter tested but he must make the appropriate application.
- I am thus satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Having read the response of the parties I am satisfied that no amendments are required to the Preliminary Decision.

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 11 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.



Peter R Sansom
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Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
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Adjudicator

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