

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X967

Date of Decision: 05 July 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding issues with billing on his account. The customer says he was forced into a long running dispute with the company regarding liability for charges at a property he claims not have resided at. The customer states that it was some six years before the company accepted he was not liable, but the £250.00 compensation offered is insufficient for REDACTED he experienced and he seeks a minimum of £1,000.00. 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 pay him compensation in the minimum amount of £1,000.00 for poor service.

Response

The company says the debt collection process was extended because the customer did not provide sufficient information to establish whether he resided at the property in question during the billing period in scope. The company states it carried out its own investigations that eventually established the customer possibly did not dwell at the residence. The company has offered £250.00 in compensation that was declined. The company has not made any formal offer of settlement to the customer and denies that compensation is due.

Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company provided a poor level of service. I find that the evidence establishes that certain of the customer's own actions contributed to the extended period needed to establish if he was liable for charges. 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 02 August 2022 to accept or reject this decision.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

www.WATRS.org | info@watsr.org

ADJUDICATOR'S DECISION
Adjudication Reference: WAT-X967
Date of Decision: 05 July 2022

Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with billing on his account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- The company had contacted him to demand payment of outstanding charges in respect of a property known as REDACTED.
- The outstanding charges are for the period between 30 September 2014 and 10 May 2016. The customer has denied living at this property during the period.
- On 02 October 2020 he contacted the company and advised it that the address belonged to his mother and not to himself. The customer says the company demanded proof of this.
- He has provided evidence from the local authority dated 12 October 2020 confirming that he has resided at his current address since 11 May 2016 and that it has no record of him being liable for Council tax at the REDACTED address.
- The company did not accept the local authority letter as proof that he was not an occupier at the property before May 2016 and thus liable for charges raised.
- Believing the company had not properly addressed his concerns he, on 29 December 2020, escalated his complaint to CCWater who took up the dispute with the company on his behalf.
- The records show that the company responded with its communication dated 18 January 2021 and that it reiterated its position that the letter from the local authority was not sufficient evidence to show the customer was not previously an occupier of the property. The company stated that the customer needed to submit more evidence to show where he was living during the period in question.
- He was unhappy to provide this information as he did not think it should be requested and was also unhappy that the company had passed his name and current address to debt collectors.
- On 31 March 2021 the company finally accepted he was not responsible for the outstanding charges and offered to compensate him in the amount of £200.00.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

www.WATRS.org | info@watrs.org

- Prior to him making a decision to accept or not the offer, CCWater informed the company that the offer was reasonable. Thus, on 25 November 2021 he contacted the company to advise that he was not accepting the level of compensation offered, but the company refused to increase it because it had already been approved by CCWater.
- On 09 February 2022, CCWater contacted the company to request it reconsider its offer.
- On 13 April 2022 CCWater advised him that the company had responded to its request for information with its letter of 28 March 2022, and confirmed that the company does not agree to increase its compensation offer.
- CCWater had concluded that the company's response confirmed it would not pay any compensation and 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 19 May 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to pay him compensation in the minimum amount of £1,000.00.

The company's response is that:

- It provided its response to the claim in its submission submitted on 31 May 2022.
- It confirms that it had contacted the customer such that he pays charges at REDACTED for the period between 30 September 2014 and 10 May 2016.
- The first bill was issued on 23 February 2015.
- On 15 July 2015 the customer stated that his mother was responsible for bill, and although she verbally confirmed this no evidence was provided.
- Following a lack of communication with the customer a REDACTED judgement was obtained and a default was entered on his credit history file on 04 January 2019.
- It acknowledges that the customer provided it in October 2020 with a letter from the local authority stating that it had no record of the customer being liable for council tax at the property. The company confirms that it did not accept this as proof that the customer had not been an occupier of the property.
- It requested a full trace report to establish if the customer had links to the property during the period in question. The report identified that it was possible that the customer had not resided at

the property since 2013/2014 and confirmed that his mother had resided at the house since 2007.

- On 18 March 2021 it advised the customer that he was not responsible for the debt, and the REDACTED judgement had been removed as had the negative marker off his credit file. On 29 March 2021 it offered the customer the sum of £200.00 in compensation, but he made no decision whether to accept. Subsequently, on 08 April 2021, CCWater advised it that the customer accepted the offer and the amount was credited to his account.
- Because of a delay in confirming the removal of the REDACTED judgement a further £50.00 was credited to the customer's account in October 2021.
- It confirms that it received further communication from CCWater in February 2022 requesting it consider increasing the level of compensation offered. On 28 March 2022 it issued its final position that no further compensation would be paid.
- In summary, it acknowledges that the process may have been stressful for the customer, but it contends that without him providing sufficient evidence it correctly followed its debt collection procedures.

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.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

www.WATRS.org | info@watsr.org

How was this decision reached?

1. The dispute relates to the customer's dissatisfaction that the company has offered a low amount of compensation for providing a poor level of service.
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 that the company has established its right under the Water Industry Act 1991 to collect charges for services provided.
4. I can see that the company first billed the customer in respect of charges levied for services supplied to REDACTED, on 23 February 2015. The period of charging was between 30 September 2014 and 30 November 2014.
5. In July 2015 the customer stated he was not liable for the charges and that his mother was responsible for payment for water services. This position was supported verbally by his mother, but she did not provide written evidence as requested by the company.
6. From the evidence submitted it seems to me that there was no further direct contact between the parties, and the company continued with its debt collection process.
7. I can see that on 05 November 2018 a REDACTED judgement was issued in the company's favour and a default was entered against the customer on 04 January 2019.
8. The evidence shows the customer made no contact with the company for a further period of approximately twenty-one months until he contacted it on 02 October 2020.
9. I can also see that on 21 October 2020 the customer submitted a letter from his local authority dated 12 October 2020 that confirmed the customer had not been registered for the payment of Council Tax at the address prior at any time. It also stated that he was registered for Council Tax at a different property as from 11 May 2016.
10. The company declined to accept this as proof that the customer was not residing at the property between 30 September 2014 and 10 May 2016 and requested additional evidence to verify the customer's assertion. I find, on balance, that the company's position was reasonable and that it was not unreasonable to request additional verifying evidence.
11. It seems to me that the customer declined to provide such information. I note that on 05 February 2021 CCWater requested information from the customer as to where he had been residing such that it would aid it in its dealings with the company. I can see that CCWater have recorded that on 16 February 2021 the customer replied that he "*did not need to need to tell REDACTED where he had lived*".

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

12. Following the involvement of CCWater, the company initiated a full trace report from a specialised company in respect of REDACTED. A report received on 15 March 2021 established the possibility that the customer had not lived at the address since 2013/2014. On the strength of this report the company advised the customer that he was no longer considered responsible for the outstanding charges, and that the REDACTED judgement and default notice would be removed from his records.
13. The customer, it seems, requested compensation, saying that the issue had been dragging on for several years, the company had both ignored and harassed him, and had caused him REDACTED and sleepless nights.
14. I can see that the company, on 29 March 2021, initially offered the amount of £200.00 that was increased to £250.00 after a follow up contact from CCWater.
15. On 25 November 2021, approximately eight months later, the customer asserted that this amount was insufficient and so rejected it. In his application to the WATRS Scheme the customer requests a minimum payment of £1,000.00.
16. The company has declined to increase the compensation offer above £250.00.
17. The customer complains that this dispute has been ongoing for a long period of time, but I am satisfied that the evidence establishes that he was culpable in prolonging the company's collection procedure. I find that the company made a series of requests to the customer to provide evidence of where he was residing, if not at REDACTED, during the period of the charges. The customer did not comply.
18. Again, I am satisfied that the evidence shows that had the customer responded in reasonable time to the company's requests then the dispute may well have been settled much sooner.
19. I do not find that the evidence establishes the company has been unreasonable or unrealistic in the steps it has taken to establish the liability of the customer for the charges.
20. It thus follows that I find that compensation is not appropriate, and I shall not direct the company to pay compensation to the customer.
21. 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, and the evidence does not confirm that the customer experienced a poor level of service.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 21 June 2022.
- The customer has, on 29 June 2022, submitted comments on the Preliminary Decision.
- The customer states that he believes everything is OK with the Preliminary Decision.
- Having read the response of the customer I am satisfied that no amendments are required to the Preliminary Decision.

Outcome

The company does not need to take further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 02 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.



Peter R Sansom
MSc (Law); FCI Arb; FA Arb;
Member, London Court of International Arbitration.
Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Adjudicator

----- // -----

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

www.WATRS.org | info@watrs.org