

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X992

Date of Decision: 24 July 2022

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer has a dispute with the company regarding her belief that it has been overcharging her for several years. The customer says that the level of charges raised by the company are more in line with her property having between five and seven occupiers whereas in actuality there are only two residents at the house. The customer claims that, despite ongoing discussions with the company and the involvement of CCWater, the dispute is unresolved. Therefore, she has brought the claim to the WATRS Scheme and asks that the company be directed to charge more in line with a two person occupation level and to determine why she is subject to high consumption calculations.

Response

The company says it has fully investigated the customer's complaints over a period of several years. The company says it has replaced the customer's meter on three occasions and undertaken much testing to ensure that its assets are working correctly. The company has not made any formal offer of settlement to the customer and believes the charges raised accurately reflect actual consumption.

Findings

The claim does not succeed. I find that the evidence does not support, on a balance of probabilities, that the company has been overcharging the customer. From the evidence submitted, I am satisfied that the company has investigated the customer's complaint to a reasonable level and has established that the meters have all been functioning correctly. 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 19 August 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- She has experienced an ongoing dispute with the company concerning issues with billing on her account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- She has lived at her property for fifteen years, and at all times a maximum of two people were in occupation.
- In November 2018 she contacted the company to query a higher than expected bill and the level of consumption used to produce the bill.
- Her previous usage over many years averaged around 450 litres per day. The bill she received showed a usage level applicable to five people.
- She continued communications with the company throughout 2019 and 2020, but without achieving any satisfactory outcome. In October 2021 she raised a formal complaint with the company, but it was closed the same month without any action being taken.
- She had previously been on the **XX** tariff, but understands she was removed from this by the company.
- Believing the company had not properly addressed her concerns she, on 21 December 2021, escalated her complaint to CCWater who took up the dispute with the company on her behalf. The records show that CCWater contacted the company on 04 March 2022 seeking an explanation of events and a review of the service provided to the customer.
- On 25 April 2022, CCWater advised her that the company had responded to its request for information with its letter of 18 March 2022. The company had submitted a detailed response stating that it believed it had undertaken all necessary investigations and confirmed it had carried out various tests to check the customer's level of usage.
- CCWater had concluded that the company's response confirmed it had carried out a thorough investigation and it could not take any further measures to have the company change its position and was thus closing her case.

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- Continuing to be dissatisfied with the response of the company she has, on 12 May 2022, referred the matter to the WATRS Scheme where she requests that the company be directed to, going forward, charge her at a level consistent with a two-person occupation of the property and to continue to investigate the high water usage through her meter.

The company's response is that:

- It provided its response to the claim in its document submitted on 10 June 2022.
- It confirms that it provides both water and sewerage services to the property.
- It confirms that the property has a meter installed and thus the customer is charged on a measured tariff, comprising a standing charge and a volume charge.
- It contacted the customer on 01 November 2018 to discuss her concerns of high water consumption rising from 123 litres on her previous bill to 783 litres on her current bill.
- Following investigations, it ascertained that between October 2017 and October 2018 the average daily usage was 453 litres, and this was in line with the customer's historic average consumption.
- The customer remained unhappy and so on 13 November 2018 it changed the meter. Monitoring of the meter showed that consumption subsequently decreased to 333 litres/day, and consequently a leak allowance was granted to the customer on 18 April 2019.
- In May 2019 the customer again complained of high consumption and the company investigated on site on 20 May 2019 and did not identify any fault with the meter.
- In October 2020 and April 2021, the customer disputed high charges and it sent to her copies of all previous bills for her to review. The company says it also advised her that the amount owing on her account was increasing as she had not made any payments since May 2018.
- It changed the meter at the property again on 07 January 2022.
- On 21 February 2022 it had an engineer investigate on site and it was confirmed that the testing undertaken did not identify any physical problem with company assets that may cause high consumption.
- It confirms being contacted by CCWater on 29 December 2021. It also confirms that the customer had been removed from and then reinstated to the **XX** scheme when it was not financially beneficial to her to be placed on the scheme.

- In summary, it confirms that its numerous tests and investigations show that the customer is only being charged for water consumed at her property. Additionally, the tests confirm that there have been no leaks on any of the company assets, and it notes that it has replaced the meter at the property on several occasions. Overall, the company believes it has correctly followed all necessary procedures and carried out all testing to a reasonable level and cannot find any reason for the consumption levels other than actual usage.

The customer's comments on the company's response are that:

- On 30 June 2022, the customer submitted detailed comments on the company's response paper. I shall not repeat word for word the customer's comments and in accordance with Rule 5.4.3 of the Rules of the WATRS Scheme I shall disregard any new matters or evidence introduced.
- The customer reiterated her position that she has been overcharged for water consumption over a period of several years. The customer repeats that the level of charging is equal to having up to seven people residing at the property when in actuality there are only two occupiers. The customer further stated that she complained formally to the company, but without success.

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.

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How was this decision reached?

1. The dispute relates to the customer's belief that the company has been overcharging her for several years.
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 take note that the customer is on a measured tariff.
4. I am satisfied that the company has established its statutory right under the Water Industry Act 1991 to charge the customer for water services provided.
5. From the evidence submitted I can see that the customer has been concerned for several years about being overcharged and has been in regular communication with the company over the matter.
6. I note that the evidence shows the first complaint from the customer was raised in November 2018. Again, by reference to the evidence, I am satisfied that the company responded to a reasonable level to the complaint and undertook testing and an investigation. I take note that the company has submitted a detailed table of the meter readings taken at the property.
7. I also take into consideration that in response to the customer's concerns the company has replaced her meter on three separate occasions :-
 - 31 January 2017
 - 07 November 2018
 - 07 January 2022
8. The evidence also shows that the company did remote testing and advised the customer on how she herself could test for leaks within the property.
9. I also take note that the company had its engineers attend the property on 20 May 2019, 30 December 2021, and 21 February 2022 to undertake on-site investigations.
10. The evidence does not show that the customer disputes that the company made reasonable investigations into her complaints. I also take into consideration that I am not provided with any evidence from the customer that she at any time retained an independent third-party plumber to check for leaks within her property.

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11. In her application to the WATRS Scheme the customer requests that the company be directed to determine the source of the high water use. However, as I have set out above, I find that the company has taken reasonable measures to investigate to a reasonable level the customer's complaint of high consumption. I am satisfied that the company has established that its assets are functioning correctly and that it is not responsible for the water actually consumed through the meter by the customer.
12. I further accept that the evidence supports that the company's investigations, tests, and meter changes have established that the meter readings are accurate and that it cannot definitively identify any issues at the meters or with its assets on its side of the meter.
13. Thus, I find that no benefit will be accrued by directing the company to undertake further investigations.
14. The customer also requests that the company be directed to charge the customer at a rate more applicable to consumption recorded by two persons. Whilst I take note that the customer says that she does not use a dishwasher and uses a shower not a bath, etc, I am not persuaded that this establishes the level of water usage at the property.
15. Without any independent third-party evidence showing investigations inside the property, I am not satisfied that the customer has established that a water leak is not present on her side of the meter.
16. Overall, I do not find that the evidence establishes that the company has been overcharging the customer.
17. Thus, I shall not direct the company to make any changes to its charging policy in respect of the customer's account.
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 12 July 2022.
- The customer has, on 19 July 2022, submitted comments on the Preliminary Decision.
- The customer reiterated her previous position that there are only two occupants of the property, and she doesn't have a garden to water or use a dishwasher, etc.
- The customer does not submit any new evidence and thus I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.

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- Having read the responses 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 19 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.
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Peter R Sansom
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Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Adjudicator

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