

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X155

Date of Decision: 10 October 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding issues with billing and meter installation at his property. The customer states that he moved into his house in March 2018, but the company did not install a water meter until January 2022, thus all bills were based on estimated readings. The customer says he has complained to the company but received a poor level of customer service and it refuses to recalculate the bills. 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. He asks that the company be directed to recalculate all bills issued since March 2018 and refund overcharged amounts, pay him an unspecified amount of compensation, and issue an apology.

Response

The company says a meter has been in place at the property since 2004 and it informed the customer of this in March 2018. The company says the meter installation in January 2022 was a replacement of the existing meter and that the overwhelming majority of bills were issued based on actual meter readings. The company denies providing poor customer service. The company has not made any formal offer of settlement to the customer and refuses to recalculate bills or pay compensation.

Findings

The claim does not succeed. I find that the evidence does not show the absence of a meter prior to January 2022. I find that the evidence establishes that the company advised the customer in March 2018 that his property was on a metered supply and that it would be read twice yearly. I am satisfied that the evidence does not support that the previous bills should be revisited, or refunds paid. 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 07 November 2022 to accept or reject this decision.

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ADJUDICATOR'S DECISION
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Date of Decision: 11 October 2022

Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with billing and metering. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- He took up residence at his property in March 2018.
- In December 2020 he received a higher than expected bill and complained to the company. He was led to understand that the bill was an estimated reading as the property did not have a meter installed.
- Following his complaint the company installed a meter, and he has been monitoring the readings and believes he does not use more than 10m³ per month.
- During the period from March 2018 to the installation of the meter he was being charged between £220.00 and £300.00 biannually, and now believes these charges were based on estimated readings not actual metered readings.
- Using the price per M³ as stated on the company website in August 2022, he has calculated that his biannual charges should have been in the region of £189.53 prior to meter installation.
- When he complained to the company it treated him in a patronising manner, failed to accept it had been issuing incorrect bills, delayed in responding to him, etc.
- Believing the company had not properly addressed his concerns he, on 01 July 2022, escalated his complaint to CCWater who took up the dispute with the company on his behalf.
- The records show that CCWater sent a pre-investigation letter to the company on 19 July 2022 requesting its explanation of events and to check the level of customer service it provided.
- The company responded with its communication dated 29 July 2022 and confirmed that a meter was installed at the property in 2004 and all bills issued since then have been based on meter readings. It confirmed that the meter was replaced on 12 January 2022 because of condensation obscuring the dials. The company says the customer's consumption did not alter after the installation of the new meter thus confirming that the old meter was functioning correctly.

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- On 01 August 2022, CCWater wrote to him and concluded that the company's response confirmed its position that the previous bills were issued based on metered consumption. CCWater confirmed 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 30 August 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to re-evaluate all bills issued since March 2018 and refund overpaid amounts, pay him an unspecified amount in compensation, and issue an apology.

The company's response is that:

- It provided its response to the claim in its submission dated on 13 September 2022.
- It confirms that it had installed a meter at the property in August 2004.
- It confirms that the customer opened his account in March 2018, and a confirmation letter was sent to him that explained the property had a metered supply and bills would be issued biannually.
- It confirms that the customer contacted it on 20 December 2021 to query his latest bill and he supplied a photograph of his meter to show that he could not read the dials.
- It acknowledges that the dials could not be read because of condensation and that the customer should have been advised on how to clear the condensation. However, the company did not do so and changed the meter on 12 January 2022.
- It notes that on only two occasions since March 2018 has it produced bills based on estimated readings. All other bills were based on actual readings.
- It refutes the customer's allegations of providing poor customer service. It confirms it has investigated his complaints and is satisfied that it provided a reasonable level of service.
- It confirms that the customer has not made any payments into his account since June 2021 and consequently late-payment markers were placed on his credit history file. The company notes that as a gesture of goodwill the markers were subsequently removed.
- In summary, it refutes all the customer's complaints and is satisfied that it has provided a reasonable level of service. It defends in full the customer's application to WATRS.

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

- On 14 September 2022, the customer submitted 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 questions the company's photograph of a supposed meter and does not believe it is a meter. The customer reiterates his position that he has received a poor level of customer service. The customer also repeats his demand that all his bills issued since March 2018 should be reassessed using his calculations and refunds made for overpayment.

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 been basing his bills since March 2018 on estimated readings because it has not installed a meter as it claims.
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.

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3. I can see that the parties agree that the customer took up occupation of his property as from March 2018.
4. The customer has stated that there was no meter installed at the property when he took up residence, and as such all subsequent bills were made on estimated readings.
5. However, I find that the evidence does not support the customer's position.
6. The company sent a letter to the customer dated 12 March 2018 confirming that (i) it had opened an account in his name in respect of the property, and (ii) the property had a metered supply. The letter also confirmed the serial number of the meter and that it would be read twice a year in the months of May and November.
7. The company has also submitted evidence to show that the meter had originally been installed in August 2004.
8. The customer states that a meter was only installed in December 2020. From the evidence supplied I am satisfied that the customer is in error, and that the company changed the meter on 12 January 2022. I accept that the evidence supports that this was simply a replacement of the existing meter due to the dials being obscured by condensation.
9. This is supported by a photograph submitted by the customer that shows the previous meter with the dials obscured. The customer has stated that he does not believe the photograph shows a meter, but I note that the serial number shown on the photograph matches with the number stated in the letter of 12 March 2018.
10. The company has submitted into evidence details of the chronological history of the meter readings and billings in respect of the customer's property. I can see that since March 2018 through to 31 December 2021 only two out of a total of eight readings were estimated.
11. I can further see that the meter readings taken since the installation of the replacement meter in January 2022 show an average daily usage very similar to and very much in line with readings taken under the previous meter.
12. The company states that this supports its position that the previous meter was functioning correctly, and that the bills issued were an accurate calculation of consumption. I take note that the customer has not provided any evidence to dispute the company's position.
13. The company has submitted copies of certain of the bills issued to the customer and it is clearly shown on the bills if the consumption is based on actual or estimated readings.
14. Overall, I find that the evidence establishes that a meter was installed in 2004, the existence of the meter was confirmed to the customer in 2018, and that the company replaced the existing meter in January 2022.

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15. From the evidence submitted I am also satisfied that the company was billing the customer based on actual readings with just the two estimated readings taken in May 2020 and December 2021.
16. Thus, it follows that I find that the company has correctly charged the customer since March 2018, and I shall not direct that it revisits any of the previously issued bills or make any recalculations based on the customer's own preferred method of calculation.
17. The customer also contends that the company agents treated him in a patronising manner. The customer has not provided any evidence to support his contention.
18. The customer also complains of poor customer service. My research into the evidence submitted shows that the company responded within reasonable time to the customer's numerous contacts. I can see evidence of company responses during May and June 2022, including numerous confirmations from the company's team that a meter had been installed at the property since 2004 and bills were issued on mostly actual readings.
19. I also take into consideration several exchanges between the company and CCWater as it responded in reasonable time and in reasonable detail to the CCWater requests for information.
20. Overall, I am satisfied that the evidence shows that the company responded in reasonable time to the customer's complaints and requests, and I find the evidence does not establish any low level of customer service from the company.
21. I understand that the customer has been disappointed with the continuous position taken by the company, but his unhappiness does not equate to the company providing a poor level of customer service.
22. The customer has requested that the company be directed to pay an unspecified amount of compensation. The customer does not detail the basis of his claim for compensation nor provide evidence of any financial loss.
23. As I find no evidence of any customer service failings then it follows that I find that neither compensation nor an apology is appropriate, and I shall not direct the company to pay compensation to the customer or to issue an apology.
24. 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 26 September 2022.
- The customer has, on 01 October 2022, responded to the Preliminary Decision.
- The customer submits a list of additional information that he requests the company provides.
- The Scheme rules do not allow for such requests at this stage of the adjudication process.
- The company has, on 04 October 2022, responded to the Preliminary Decision, and confirms it has nothing further to add.
- The parties have not submitted any new evidence and thus I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Having read the responses of the parties 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 07 November 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, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Adjudicator

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