

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X228

Date of Final Decision: 29 November 2022

#### Party Details

Customer:

Company:

#### Complaint

The customer says the company has held him responsible for arrears even though his wife agreed to pay the water bills. He seeks that the company remove the default from his credit file.

#### Response

The company says the customer is jointly and severally liable for the bills as an occupier of the property. It reported arrears to credit reference agencies in line with its privacy policy. It denies the claim.

#### Findings

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.

The customer must reply by 29 December 2022 to accept or reject this decision.

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## Case Outline

### **The customer's complaint is that:**

- The company placed a default on his credit file due to non-payment of bills.
- However, his wife was responsible for paying the water bills.
- He claims for the company to remove the default.
- In comments on the company's response the customer says he was not occupying the address at the time and he had told the company this. He attached a CV stating his address and an entry on a court register stating his address, to show these did not match the address billed. His wife also told the company he did not occupy the property at the relevant time.
- The customer did not comment on a preliminary decision.

### **The company's response is that:**

- As an occupier of the property the customer was jointly and severally (individually) liable for the bill. This is in accordance with s144 of the Water Industry Act 1991.
- Its privacy policy explains it may share data with third parties such as credit reference agencies, this is in compliance with the General Data Protection Regulations and the Data Protection Act 1998.
- Its reporting of arrears is correct and it cannot remove the negative entries.
- It denies the claim.

## How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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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 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. Section 144 of the Water Industry Act 1991 makes clear the company can charge an occupier of a property for its services.
2. The company has provided call records and correspondence exchanged with the customer. This shows the company believed him to be an occupier following information from the letting agents and credit reference agencies and because he had contacted the company about the account previously. I note the customer did not deny living at the property rather he argued that many people lived there and his wife had agreed to take responsibility for the water bill. I cannot see any evidence to suggest the customer disputed occupancy with the company.
3. I acknowledge the customer has provided evidence within his comments to show he did not occupy the property at the relevant time. However, I am conscious that the CV provided is not an official document, rather it is simply a document that can be created and edited by the customer at any time. And the entry on the magistrates' court register only shows an address the customer provided at the time; this does not evidence he no longer occupied the relevant property for any period.
4. In view of the information and evidence referred, I am satisfied the company had good reason to consider the customer occupied the property and so was liable for charges. I therefore do not

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find the company failed to provide its services to the standard to be reasonably expected in holding the customer liable for bills.

5. It is not in dispute that bills remained unpaid and the company reported this to credit reference agencies. I am satisfied the company was entitled to take this action in line with its privacy policy. I do not find the company failed to provide its services to the standard to be reasonably expected in this regard.
6. In light of the above, I find the customer's claim for the company to remove the default from his credit file is unable to succeed.
7. Should the customer have further evidence to prove he did not occupy the property at the relevant time, he may wish to provide this to the company for it to consider. However, this would not affect my decision that the company's actions to date, based on the information it currently holds, have been reasonable and in line with the law.

#### **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 29 December 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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J Mensa-Bonsu LLB (Hons) PgDL (BVC)  
**Adjudicator**

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