

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X299

Date of Decision: 18 January 2023

#### Party Details

Customer:

Company:

#### Complaint

The customer has a dispute with the company regarding damage to its sewerage network that is allowing rodent access to her property. The customer states she has had a private CCTV survey undertaken and this found damage to sewer pipes that she believes belong to the company. She acknowledges the company undertook its own CCTV survey but she disputes its conclusion that the damaged pipes are private property and it is not responsible for repairs. The customer says that despite ongoing discussions with the company, and the involvement of CCWater, the dispute is unresolved and therefore she has brought the claim to the WATRS Scheme and asks that the company be directed to repair the damaged pipework.

#### Response

The company states that following the customer's complaints it undertook investigations and discovered damage to soil stacks and gullies but identified them as private and not company assets. The company says it is not responsible for repairing the pipes. The company has not made an offer of settlement to the customer.

#### Findings

The claim does not succeed. I find that the evidence does not support that the damaged pipes identified under a neighbouring property are owned by the company. I take note that the company attended the customer's property on two separate occasions and did not find any problems with its assets. I thus 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 15 February 2023 to accept or reject this decision.

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**ADJUDICATOR'S DECISION**  
**Adjudication Reference: WAT/X299**  
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**Case Outline**

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

- She has experienced an ongoing dispute with the company concerning issues with the company failing to take responsibility for rodent infestations at her property. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- She has been experiencing rodent infestations at her property for more than four years.
- She has paid from her own resources to have a CCTV inspection of the sewerage pipes in and around her property. The CCTV survey identified faults with the company's sewerage assets.
- She contacted the company in June 2020 to bring the matter to its attention but says that it inspected the sewerage pipes and advised her that although it agreed the rodents were possibly accessing her property through damaged pipes it stated that the pipes were not its assets.
- She says the company stated the pipes were private inasmuch as they were the responsibility of the relevant local authority.
- She acknowledges that the company has made efforts to liaise with the local authority and to organise joint site inspections, but the local authority has not attended such meetings.
- She believes that the company has not kept her adequately informed or updated on its activities in respect of seeking a solution to the infestations and as such she has contacted the local authority directly.
- The local authority has denied any responsibility for the damaged pipework.
- She believes neither the company nor the local authority are taking the situation seriously and as such no solution to the problem is forthcoming.
- Believing the company was not properly addressing her concerns she, on 22 July 2022, escalated her complaint to CCWater who took up the dispute with the company on her behalf.

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- The records show that on 10 August 2022 CCWater contacted the company by telephone requesting its explanation of events and to check the level of customer service it provided.
- Not satisfied with the response of the company, CCWater sent an e-mail communication to the company on 18 August 2022 requesting more detailed information. On 05 October 2022 the company responded to CCWater and confirmed that it had investigated the customer's complaint and had identified that the damaged pipework was private and not a company asset.
- On 28 October 2022 CCWater wrote to the customer and confirmed to her that the company would not take any further action because it believed the problem rested with the local authority. CCWater concluded that it could not take any further measures to have the company change its position and was thus closing her case.
- Continuing to be dissatisfied with the response of the company she has, on 29 November 2022, referred the matter to the WATRS Scheme where she requests that the company be directed to repair the damage to its sewerage assets.

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

- It provided its response to the WATRS claim in its submission dated 06 December 2022.
- On 18 June 2020 the customer contacted it to advise that rodents were entering her property via damaged sewer pipes.
- It attended the customer's property and carried out its own CCTV investigations that identified holes in gullies and vent pipes beneath a neighbouring property. Thus, it understood the damage was on a private section of pipe.
- It noted a large amount of medical waste and rubbish deposited at the rear of the property and understood that this was likely the source of the rodent infestation.
- On 23 February 2022 the customer contacted it again to complain of rodent infestation. As the company could not gain access to the manhole in a neighbouring property it was not until 10 May 2022 that it could complete its investigations.
- It has liaised with the appropriate local authority that confirmed the damaged pipes were not company assets.
- In summary, it maintains that it has responded to the customer's complaints and has carried out appropriate investigations. It has liaised with the local authority and passed to it full details of its previous investigations. As the damaged pipework is not a company asset it has no

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responsibility to repair them and does not have the authority to have the pipe owners repair them.

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

- On 20 December 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 refutes the company's statement in respect of rubbish and medical waste being the cause of the rodent infestation. The customer repeats that the company that undertook her CCTV survey identified the damaged pipes as being company assets.

**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 declines to accept that its assets are damaged and causing rodents to access her property. The company states that the damaged pipes are not its assets and thus it has no responsibility to repair them.
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 can see that the parties agree that the customer contacted the company in June 2020 to advise it that she was suffering rodent infiltration into her property.
4. The customer says that she had previously paid for a CCTV survey of sewerage pipes in and around her property to be undertaken by a third-party company. The customer asserts that the survey showed that sewage pipes were damaged, and the third-party company had opined that this was the means for rodent access.
5. The customer has not submitted a copy of the CCTV report.
6. I can see from the evidence that the company responded to the customer's contact and undertook its own CCTV survey that identified damage to gullies and vent pipes beneath a neighbouring property. The company says it believed this was the location for rodent access into the system but identified that the gullies and vent pipes were private and not company assets.
7. I take note that the customer has not disputed the company's position.
8. Similarly, the company made a further on-site inspection at the property in May 2022 and again noted that the pipework damage was not on its assets.
9. I also take note that the company has confirmed to CCWater in October 2022 that it is satisfied that its investigations have confirmed that the damaged pipework is not a company asset.
10. I also have to record that the customer has not submitted any evidence to support her contention that the rodents are gaining access to her property via damaged pipes owned by the company.
11. Quite simply, I am not provided with any evidence to establish that the company is responsible for repairing the damaged gullies and soil pipes.
12. I also take into consideration that the company has on two occasions (18 June 2020 and 10 May 2022) visited the property and surrounding areas and made investigations of the condition of its assets. The company records that on both occasions no defects were identified on its assets. There is no evidence to dispute the company's position.

13. In her application to the WATRS Scheme the customer has requested that the company be directed to repair the damaged pipework to prevent rodent access to her property.
14. I am satisfied that the evidence does not establish that the company is responsible for the repair of the pipes. I am satisfied that the evidence sustains that the damaged pipes are private and not company assets.
15. I can understand why the customer contends that the works are the probable access point for the rodents entering her property. However, without the presence of evidence to prove that the pipes are owned by the company I have to take the position that the damaged pipes are privately owned.
16. I shall not direct the company to repair the damaged pipes.
17. 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 04 January 2023.
- The customer has on, 11 January 2023 responded to the Preliminary Decision.
- The customer repeats that she is not happy with the level of service she has received from the company, and reiterates her understanding that the rats were entering her property via company assets.
- The company has, also on 11 January 2023., responded to the Preliminary Decision.
- The company states it has noted the Decision and has no additional comments.
- 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 any action.

## What happens next?

- This adjudication decision is final and cannot be appealed or amended.
  - The customer must reply by 15 February 2023 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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## **Independent Adjudicator**

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