

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X309

Date of Decision: 27 January 2023

Party Details

Customer: The Customer
Company: The Company

Complaint

The customer has a dispute with the company regarding a problem in respect of billing issues on his account. The customer states he advised the company in April 2021 that he was changing residence and wished to be charged according to the single occupant tariff. The customer also states that the company didn't send him a bill for nine months and when it did finally it charged the incorrect tariff. The customer says 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 apply the single occupant tariff back to April 2021 and issue an apology.

Response

The company states the customer has provided an incomplete address when changing residence and did not contact it for some eleven months. The company says that the single occupant tariff is only available to customers whose property is deemed unmeterable after applying for a meter, and the customer did not apply until March 2022. The company asserts that the customer twice cancelled scheduled meter survey inspections. The company did not make an offer of settlement and declines to agree to the remedies requested by the customer.

Findings

The claim does not succeed. I find that the evidence establishes that the customer did not provide a complete address to the company and made no attempt to contact it for eleven months. I also note that the customer twice cancelled meter survey appointments and failed to provide access to the intake stop valve at his flat, thus delaying the decision on whether a meter could be installed. 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 24 February 2023 to accept or reject this decision.

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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.
- He was a customer of the company at his previous residence and sent them notification that he would vacate the property on 07 May 2021.
- In the notification he also provided details of his new address, also located within the company's area of service.
- His new residence is a single occupancy flat and thus he requested that the company charge him on a single occupancy average household tariff.
- He did not receive a bill until he had been in residence for nine months, and the bill was based on a Rateable Value [RV] tariff.
- He contacted the company to request it apply the single occupancy average household tariff but says it refused to do so and advised him to request a meter be installed in the first instance.
- He duly applied to have a meter installed but was informed that his residence was not suitable to be metered.
- Believing the company was not properly addressing his concerns he, on 07 September 2022, escalated his complaint to CCWater who took up the dispute with the company on his behalf.
- The records show that on 13 October 2022 CCWater contacted the company requesting its explanation of events and to check the level of customer service it provided.
- On 14 October 2022, CCWater wrote to the customer and confirmed that it had received a response from the company in which it confirmed that it had carried out an initial meter survey at the property in September 2022 but was unable to complete the survey because it could not secure access to the internal stop valve.

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- The company confirmed that it made a second visit to the property on 11 October 2022 and identified that a meter could not be fitted. The company stated the customer would be placed on the single occupancy tariff as from this date.
- CCWater returned to the company requesting that it considerer applying the single occupancy tariff backdated beyond 11 October 2022, but it declined to do so.
- On 25 October 2022 CCWater wrote to the customer and concluded that 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 06 December 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to apply the single occupier tariff from the date he took up residence in April 2021 and issue an apology.

The company's response is that:

- It provided its response to the WATRS claim in its submission dated 19 December 2022.
- It confirms that it is aware that the customer has requested to be billed according to the Single Occupancy (SO) Assessed Household Charge (AHC) tariff backdated to the date he moved into the property.
- In compliance with the Water Industry Act 1991 and OFWAT rules, an individual customer cannot apply to be charged on the AHC tariff, and this tariff is only available to customers who have applied to be metered but their property is found to be unmeterable.
- It believes that there is sufficient information made available to customers in respect of charging policies, metering, and tariffs, from both its own sources and OFWAT. Thus, the customer should have been reasonably aware of the process he should follow if he believed he was eligible to be put on the AHC tariff.
- It accepts that the customer did not receive a bill for eleven months after taking up residence but notes that the notification received from the customer on 26 April 2021 contained only part of the address of the new property. The company states that the address given by the customer is actually a block that is divided into numerous separate flats.
- It sent the customer a bill at the new address as advised and sent a separate e-mail to him requesting confirmation that the information he provided was correct. The customer did not respond.

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- It did not receive from the customer a “*Moving In*” webform in respect of him taking up residence at a new property.
- It did not receive any communication from the customer since his notification of 26 April 2021.
- Thus, on 17 February 2022 it opened an account in the name of “The Occupier” and sent a bill in the amount of £585.27 and on 01 March 2022 it received a “*Moving In*” webform from the customer that confirmed he had taken up residence on 12 April 2021.
- On 01 March 2022 it contacted the customer and advised him he would be charged on a RV tariff and also confirmed with him that he wished to apply for a meter. On 30 March 2022 the customer cancelled a planned meter survey citing that he had COVID, and he was advised to contact the company to make another survey appointment.
- A subsequent appointment for 13 August 2022 was also cancelled by the customer, and was re-arranged again for 02 September 2022. The survey could not be completed because the customer was unable to provide access to an internal stop valve. A second survey was carried out on 11 October 2022 and the property was classed as unmeterable.
- The customer was informed that he would be placed on the AHC tariff as from 11 October 2022, and on 14 October 2022 he was sent a bill in the amount of £863.33 to cover the period from 01 April 2021 to 31 March 2023.
- The customer has not paid the bill in full and has made payments only according to his own calculations.
- In summary, it maintains that it has provided the customer with all necessary information regarding AHC, charged him correctly, responded to his complaints and provided a good level of customer service. The company confirms that it will not backdate further the application of the AHC tariff nor issue an apology.

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 states that he was unaware that he had not received a bill from the company for eleven months. The customer believes that his notification dated 26 April 2021 gave sufficient details for it to have sent him bills, and notes that other utility companies had been sending him bills at his new address. The customer repeats his request to have the AHC tariff applied as from April 2021.

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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 apply the AHC tariff back to the date he took up occupancy of his current dwelling. The company states that it has acted in accordance with OFWAT rules when backdating the tariff only to the date the property was classed as unmeterable.
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 with evidence that it has acted in compliance with the Water Industry Act 1991 and OFWAT guidelines in respect of its procedures for placing customers on the AHC tariff.
4. I am satisfied that the company has established, with evidence, that the AHC tariff is only available to customers that have formally applied for a meter to be installed and had their property deemed unmeterable.
5. Customers that do not have a meter installed and customers that have not applied for a meter are charged according to a RV tariff.

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6. Having understood that a customer cannot apply directly to be placed on an AHC tariff, it seems to me that the crux of this dispute is whether the customer applied for a meter at his new residence when he took occupation in May 2021.
7. I can see that on 26 April 2021 the company confirmed to the customer, and to a joint account holder, that it had received their advice that they were moving out of the existing property and that the advice also gave the address of the property the customer was moving to.
8. The company has stated that its investigations show that there is no actual address the same as the one given by the customer. The address given is the block address and the evidence shows that the block is divided into numerous separate flats each with its own postal address.
9. The evidence shows that the company sent the final bill for the old flat to the address given by the customer on his notification. Similarly, on 26 April 2021 the company sent an e-mail to the customer querying if the information given was full and correct. The company states that it received no response from the customer.
10. In his comments submitted on 20 December 2022 the customer states that he was unaware that he had not received a bill for eleven months at his new property. The customer also stated, *"It was their error. I was not aware I hadn't received a XX bill so naturally I wasn't able to tell them of their error."*
11. I do not attach weight to the customer's comments. I am satisfied that it is acceptable to expect a reasonable degree of self-management of accounts by customers and I find that the customer's failure to contact the company for a period of eleven months is not reasonable.
12. There is no evidence to show that the customer requested either a meter or to be charged on the AHC tariff prior to him contacting the company on 01 March 2022 following his receipt of a bill issued to "The Occupier" of his property.
13. I further take into consideration that on 01 March 2022 he accepted a company recommendation to apply for a meter but on two occasions cancelled appointments to have his dwelling surveyed for metering installation purposes.
14. When a survey did take place on 02 September 2022 it could not be completed because the customer could not provide access to an internal stop valve. The survey process was not completed until 11 October 2022, at which time the flat was deemed unmeterable.
15. The company moved the customer from the RV tariff to the AHC tariff as from this date. I can see that as a gesture of goodwill the company backdated the application of the AHC tariff to 23 September 2022.

16. In his application to the WATRS Scheme the customer has requested that the company be directed to backdate the AHC tariff to April 2021, the time when he took up residence at the flat.
17. I am satisfied that the evidence does not establish that the company has incorrectly charged the customer since May 2021. The company has established that the application of a RV tariff between May 2021 and October 2022 was correctly applied.
18. I find that the customer did not apply for a meter until March 2022 and that his subsequent actions delayed the survey of the property by the company. I am satisfied that the company immediately applied the AHC tariff after the property was deemed unmeterable.
19. I shall not direct the company to apply the AHC tariff back to April 2021 as requested.
20. Additionally, I find no duty of care failure by the company to manage the customer's account with a reasonable level of skill and care and thus I find that an apology is not appropriate.
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.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 13 January 2023.
- The customer has on, 20 January 2023 responded to the Preliminary Decision.
- The customer reiterates his previously stated position that he gave the company the correct address when he moved house in March 2021, and it was the company that failed to communicate with him for eleven months and was not the other way around.
- The customer says that as the company has accepted to charge him under AHC tariff as from September 2022 then it should accept to backdate the tariff to April 2021.
- The company has, on 20 January 2023, responded to the Preliminary Decision, stating it has noted the Decision and has no additional comments.
- On 24 January 2023 the company has confirmed that it has completed investigations and is satisfied that the customer is not the sole occupant of his dwelling. As such it has withdrawn the application of the single occupier AHC tariff and will rebill the customer accordingly.
- 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 24 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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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.

Independent Adjudicator

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