

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X363

Date of Decision: 20 March 2023

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer has a dispute with the company regarding an ongoing issue with the level of water consumption at his property. The customer says the problem has been occurring for several years and believes he has consistently been overcharged. The customer says that he has installed his own water meter, and this shows lower consumption levels than the company's meter and that a company engineer confirmed he had lower consumption rate than he was billed for. 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 explain the reasons for his high consumption and correct his previous charges as invoiced.

Response

The company states that it has fully investigated the customer's complaints on several occasions and is confident that the customer has at all times been correctly charged for water consumed. The company says it has changed the meter at the property and installed a logger and has found no evidence of a leak or of a malfunctioning meter. The company records that the customer rejected its proposal to have the original meter tested for accuracy at an independent laboratory. The company made a goodwill payment to the customer in the amount of £322.64. The company confirms that it will not amend any previously issued bills.

Findings

The claim does not succeed. I find that the evidence does not establish that the company has continuously wrongly calculated the customer's levels of consumption. The evidence shows that the company undertook numerous investigations, changed the meter, installed a logger, and confirmed that the meter was only recording supply to the customer's property. I thus find that the evidence shows that the company has not failed to provide its services to a reasonable level, and it 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 18 April 2023 to accept or reject this decision.

ADJUDICATOR'S 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 and water supply services. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- He has experienced problems with billing for a number of years, believing that the consumption recorded by the company was in excess of his actual usage.
- The situation became worse in 2019 and 2020 when he identified that his bills had increased by 25%, equating to receiving charges in excess of £600.00 per half-year.
- He was informed by the company that a new meter was installed in 2016, but this was untrue as a new meter was not installed until May 2021.
- He fitted his own logger and recorded readings, but subsequently the company stated that they were not accurate despite him having a form signed by a company technician confirming the logger readings were correct.
- He also installed an internal meter and has identified that this is recording a lower consumption than the company's meter.
- He has identified another meter located adjacent to his property, but he has been unable to establish which property the meter serves. As a consequence, he is concerned that he is also being charged for consumption at another property.
- Believing the company was not properly addressing his concerns he, on 01 November 2022, escalated his complaint to CCWater and provided it with copies of all correspondence between himself and the company.
- On 15 December 2022, CCWater wrote to the customer and advised him that, following its review of the information provided, it understood that the company had investigated his complaints to a reasonable level and its investigations did not identify evidence of a leak, of shared consumption, or that the unidentified meter was connected to the customer's supply pipe.

- The company had also identified that consumption was constant before and after exchanging the meter and that it had offered an independent meter testing procedure.
- CCWater also advised him 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 28 December 2022, referred the matter to the WATRS Scheme where he requests that the company be directed to explain the reasons for his consumption figures and to amend and correct his bills.

The company's response is that:

- It provided its response to the WATRS claim in its submission dated 13 February 2023.
- It has powers under the Water Industry Act 1991 to fix and recover charges from the customer for receiving water services.
- It submits a chronology of events and of its interactions with the customer, commencing from 11 May 2020 and ending on 01 February 2023.
- It confirms having undertaken numerous investigations into the customer's concerns over perceived high consumption figures.
- It notes that on numerous occasions the customer cancelled appointments made to have a company engineer attend his property to undertake on-site investigations.
- The customer is on a metered supply and his meter was changed on 05 May 2021 and his consumption remained inline with his consumption recorded under the previous meter.
- It proposed to the customer to have the original meter sent away for independent testing, but he declined to do this.
- The consumption at the property is consistent with company expectations for a four-person household.
- Loggers were installed at the property and the results of the data collected confirmed that consumption was in line with a four-person household.
- It made a goodwill gesture payment to the customer on 12 January 2022 in the amount of £322.64 to cover the period between 18 October 2019 and 22 April 2021.
- It acknowledges that the customer had an internal meter fitted inside his property, but it has no knowledge if it has been correctly calibrated.

- In summary, the company states that its investigations did not identify any evidence of a leak, and that it is satisfied that the charges raised for water consumption at his property are correct.

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

- On 20 February 2023, 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 reiterates his position as previously submitted that he does not agree with the consumption figures produced by the company. The customer agrees that the meter was changed in May 2021 but asserts that he was informed in 2016 that it had been changed. The customer disagrees with the company's statement that his consumption is in line with a family of four persons.

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 consumption figures are continuously high and thus he is being charged for water he has not used. The company states that its numerous investigations over several years confirm the accuracy of its consumption figures.

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 set out its statutory right to fix and recover charges from the customer for the services it supplies to him.
4. The evidence of the company shows that the customer first contacted it about his concerns in May 2020.
5. The company changed the meter in May 2021.
6. The customer contends that he was informed that the meter was changed in 2016 but has not provided any evidence to substantiate that he was given this information by the company.
7. The company asserts that it offered the customer the opportunity to have the removed meter sent away for independent testing, but he declined. I take note that the customer has not refuted the company's statement when he submitted comments on its Response documents.
8. I also take note that the customer has stated that he has installed his own meter at his property. The company has declined to accept the readings produced by this meter as it is not provided with evidence to show it was calibrated to meet ISO standards.
9. The customer, in his comments submitted on 20 February 2023 acknowledges that his internal meter does not comply with ISO standards.
10. The customer has submitted a copy of a document issued by the company confirming the replacement of the water meter. The document was presumably issued on the day that the meter was exchanged although the document is undated. The customer has stated that the document was signed by a visiting company technician, but the copy submitted into evidence appears to be unsigned.
11. I can see that on the document it is written that water consumption between 22 April 2021 and 30 May 2021 was 4.124m³.
12. The customer refers to the document as "logger info". My inspection of the document does not identify any reference to a logger, only to the replacement of the meter.
13. The customer has taken this document as substantiating his level of consumption. However, I shall give no weight to the document as it covers a mere thirty-eight day snapshot of a problem that the customer says has been ongoing for a number of years. I also state again that the document is undated and unsigned.
14. The company has submitted evidence to show the customer's consumption before and after the exchange of meters in May 2021. From my reading of the consumption data, I can see that

between April 2017 and April 2021 the customer's average daily consumption hovered between 0.66m³ and 0.92m³.

15. After the change of meter, in the period between 30 April 2021 and 12 October 2022 the average daily consumption moved between 0.68m³ and 0.73m³.
16. The company has stated that the consumption before and after the change of meter has remained consistent. I find no reason to challenge the company on its position.
17. I can see that the company installed a logger at the property on 22 April 2021, and it remained attached for seven days. The company has stated that the logger results show an average daily consumption of 0.90m³.
18. The company says that its investigations have not identified a leakage, that it has established that the meter near to the customer's property is non-functional and not connected to any water supply pipework, and that the supply to the property serves only the customer's house. I see no evidence to refute the company's findings.
19. The company has also stated that both meters were recording correctly, and I take into consideration that the customer declined to agree to have the original meter independently tested.
20. I take note that CCWater has investigated the customer's complaint and has upheld the company's position.
21. In his application to the WATRS Scheme the customer has requested that the company be directed to explain the reasons for the consumption figures.
22. I can see that the company wrote lengthy and comprehensive letters to the customer dated 12 and 21 October 2022. From my reading of the letters, I find that the company explained in reasonable detail the results of its investigations and findings and that it has supplied evidence to establish that the consumption values it has used are correct.
23. The customer also requests that the company amend charges previously invoiced. As I have found that the charges levied by the company are established as being correct, then it follows that I also find amending/correcting such charges is not appropriate. I shall not direct the company to amend charges.
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.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 06 March 2023.
- The company has, on 14 March 2023, responded to the Preliminary Decision.
- The company states it has noted the Preliminary Decision and has no additional comments.
- I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Having read the response of the company 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 18 April 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.



Peter R Sansom
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Member, London Court of International Arbitration.
Member, CIArb Business Arbitration Panel.
Member, CIArb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Independent Adjudicator