

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X364

Date of Decision: 10 February 2023

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding its wrongful entering of default markers on to his credit history file. The customer claims that the company did not send him bills after he changed residence and thus, he was unaware of an outstanding balance on his account. The customer states that because he made no payments to the company it placed the markers on his credit file and also introduced a second overdue account onto the credit file. 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 remove the negative markers, delete the second account, and issue an apology.

Response

The company states that the customer did not advise it of a forwarding address when moving house and thus it continued to send bills to the address originally registered by the customer. The company says the second account was raised as a product of its debt collection procedures. 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 does not establish that the company wrongly entered negative markers on to the customer's credit file or that it mistakenly created a second account showing an overdue balance. The evidence shows that the customer, over a long period of time, was overdue with paying his bills. 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 10 March 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 had been living at his property for four years prior to vacating the dwelling in June 2021.
- When he vacated the property, the company did not advise him that he had an outstanding balance on his account. The customer states that he had no contact from the company either before or after vacating his house.
- In December 2022 he became aware that the company had placed a default marker on his credit history file.
- He further understood that the company had identified a second account on his credit file showing no payment received for some six months.
- The company advised him that it had sent him approximately six letters concerning outstanding payments, but he says he did not receive any of them. The customer further contends that the company had his telephone number and e-mail address and could have contacted him by those means.
- He subsequently cleared the outstanding balance, but the company refuses to remove the default markers from his credit history file.
- He vacated the property so as to rent it out and says that the tenant has opened a separate account in his own name with the company to pay water services at the property.
- Believing the company was not properly addressing his concerns he, on 14 December 2022, escalated his complaint to CCWater who advised him to take his complaint to Stage 2 with the company.
- On 28 December 2022 the company issued its final position on his complaint and confirmed that the entries on his credit history file were correct and would not be removed.

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- On 29 December 2022, CCWater wrote to the customer and advised him that it believed the company's response was reasonable and in line with CCWater expectations. CCWater 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 16 January 2023, referred the matter to the WATRS Scheme where he requests that the company be directed to remove the default marker and second account from his credit file and issue an apology.

The company's response is that:

- It provided its response to the WATRS claim in its submission dated 19 January 2023.
- It confirms that the customer was billed on 09 April 2021 for the period 21 May 2019 to 09 December 2020 in the amount of £563.23.
- On 29 April 2021 it understood that the customer had cancelled the Direct Debit in its favour after being unhappy that the company had taken the amount of £238.00 from his bank account.
- Further correspondence was sent to the customer during May, June, and July 2021 in respect of the outstanding balance on his account.
- On 05 July 2021 it became aware that a third-party had opened an account in respect of the customer's property. A final bill was sent to the customer on 13 July 2021 using the existing address registered on its records because the customer had not informed it of his new address.
- Further correspondence was sent to the customer at the existing address without response until he contacted it by telephone on 12 December 2022. The company confirms that on 03 January 2023 the customer paid the full outstanding balance on his account.
- It also confirms that it advised the customer that his credit history file had been correctly impacted due to the very many late payments on his account and the company repeats that it has correctly followed its own debt recovery code of practice.
- It sets out its charging policy, debt collection policy, and it explains the reasons why two accounts show on the customer's credit history file.
- It notes that CCWater has accepted its position in respect of the customer's complaint.
- In summary, it believes it has acted according to the regulations, has correctly charged the customer, correctly referred his overdue account to debt collection agencies, and confirms that the customer did not provide a forwarding address when vacating his property in July 2021.

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

- On 25 January 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 belief that the company did not make valid attempts to contact him after he changed residence and thus, he rejects its explanations as set out in its response. The customer asserts that he cancelled the Direct Debit following advice to do so given by a company agent.

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 wrongly placed negative markers on his credit history file and refuses to remove them. The company states that the markers were correctly entered and confirms that it will not remove 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.

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3. It seems to me the parties agree that the customer vacated his property on or around 09 July 2021. The parties do not agree on whether the customer advised the company of his intention to vacate.
4. The customer has stated that he did inform the company that he was moving house. The company asserts that it did not receive any such notification. I note that the customer has not submitted any evidence to establish that he informed the company.
5. The evidence does establish that the company only became aware of the customer vacating the house when on 05 July 2021 an account was opened by a third-party in respect of paying for water services at the property as from 09 July 2021.
6. I am satisfied that the customer not only failed to advise the company that he was vacating the property but that he also failed to provide it with a forwarding address.
7. I find that the company acted in a reasonable manner when it sent the final bill for period ending 09 July 2021 to the existing address and when it subsequently continued to send reminders of the outstanding balance to the customer at the same address.
8. The customer has complained that he does not accept that the company made reasonable efforts to locate him when he changed address. However, I find that the evidence shows that the customer made no effort to contact the company and I do not see any evidence to support the customer's contention that the company did not seek to advise him that he had an outstanding balance on his account.
9. The company has submitted into evidence copies of letters it sent to the customer on the following dates, prior to his vacating the property, in respect of an overdue balance on his account:-

29 April 2021

11 May 2021

04 June 2021

21 June 2021

01 July 2021

10. The company became aware on 09 July 2021 that the customer had left the premises and because he had not provided a forwarding address it continued to send letters to him on the following dates:-

13 July 2021

27 July 2021

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19 August 2021

08 September 2021

01 October 2021

11. I find that the evidence establishes that the company sent numerous letters to the customer informing him of the outstanding balance and advising him of the measures it would take in compliance with its debt recovery procedures.
12. The evidence further shows that the customer did not contact the company until 12 December 2022, and that he paid the full outstanding balance on his account on 03 January 2023.
13. I accept that the company has detailed its charging policy and its debt collection procedures.
14. From my examination of the debt recovery procedures, I can see that the company acted reasonably in entering default markers on the customer's credit history file. The company has detailed seventeen separate occasions when the customer was late in paying his bill.
15. I am satisfied that the markers raised by the company are an accurate record of the customer's payment history, and I take note that he has not refuted the company's position on this when he submitted comments on its response. I thus find that this limb of the customer's complaint does not stand and thus I shall not direct that it removes the markers from the customer's credit history file.
16. I also accept that the company has explained, in its response, the reason why two separate accounts appear on the customer's credit history file. I shall not repeat here the detailed explanation provided because I can see that the customer has had sight of the company's response. My reading of the company's explanation leads me to find that the customer's request to have the second account deleted from his credit history file does not succeed.
17. In his application to the WATRS Scheme the customer has also requested that the company be directed to issue an apology.
18. As I have established that the customer's complaints do not stand it thus follows that I find that an apology is not appropriate.
19. 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.

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The Preliminary Decision

- The Preliminary Decision was issued to the parties on 02 February 2023.
- The company has, on 09 February 2023, responded to the Preliminary Decision.
- The company says that it has nothing further to add.
- The customer did not submit comments on the Preliminary Decision.
- I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Thus, 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 10 March 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
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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