

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT X377

Date of Final Decision: 23 February 2023

#### Party Details

Customer: XX

Company: XX

#### Complaint

The customer submits the company has billed her incorrectly since she moved into her property in 2013 causing distress. She seeks compensation of £2500.00 for distress and inconvenience.

#### Response

The company says in March 2022 it found it had billed the customer based on the wrong meter. It rectified this by cancelling all bills and rebilling the customer based on her average daily use under the correct meter. It also cleared any negative credit entries and offered to cancel the customer's outstanding balance of £191.00 as a goodwill gesture. It denies the claim.

#### Findings

The evidence shows the company did not provide its services to the standard to be reasonably expected.

#### Outcome

The company should pay the customer compensation in the sum of £500.00 for distress and inconvenience.

The customer must reply by 23 March 2023 to accept or reject this decision.

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## ADJUDICATOR'S FINAL DECISION

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### Case Outline

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

- Since she moved into her property in 2013 her bills have been very high.
- An engineer told her she had a second hand meter and it was not reset to zero when she moved into the property so she believes she has paid for the previous occupier's usage.
- She has paid £50.00 per month which is too high however the company insists her bills are correct.
- Her children have autism and it is very difficult to limit their water use, causing stress and arguments.
- The company also took debt collection action, adding to her stress.
- She seeks £2500.00 for distress and the impact to her mental health.
- In comments on the company's response the customer reiterates that she kept disputing her bills to no avail and that REDACTED the collection action, the impact on her credit rating and due to seeking to reduce water usage.
- In comments on a preliminary decision the customer said:
  - REDACTED
  - Her credit file has been negatively affected.
  - Being told she owed such a large sum added to the stress.
  - The compensation offered is insignificant compared to what she and her family have suffered over 9 years.

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

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- The customer did not pay her bills in full at Address A and in 2012 it instructed a debt collection agency to collect the amount owed.
- On 15 March 2013 the customer moved to Address B and it charged her for water usage based on the meter readings taken from Meter X. £1410.14 remained owing from Address A at this time. The customer paid £15.00 per month then £50.00 per month, then £60.00 per month under a payment plan which went towards her arrears and new charges.
- On 1 March 2022 it visited the customer's property and found her supply was connected to Meter Y. It took a reading on that date and charged the customer based on Meter Y's readings going forward.
- Following a further visit and a complaint it cancelled all bills issued to the customer based on Meter X and rebilled the customer from 2013 based on her average daily use as recorded by Meter Y. This reduced the amount owed by the customer from £1989.35 to £191.00. It also cleared any negative entries on the customer's credit file.
- In its final complaint response it offered to clear the balance as a goodwill gesture.
- It notes the monthly payments to cover the current correct usage would be about £48.00 per month and the customer had been paying £50.00 per month under a payment plan to clear her arrears.
- It denies the claim.

### **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 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.

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### How was this decision reached?

1. The customer is responsible to pay bills in full by the due date and the company is entitled to take debt collection action should the customer not do so. It is not in dispute the customer accrued a debt at Address A and the company passed her account to debt collection. The company was entitled to take such action under its contract terms. This is not evidence it failed to provide its services to the standard to be reasonably expected.
2. It is the company's responsibility to charge the customer correctly; however, from 2013 to 2022, it charged the customer based on the wrong meter readings. The company failed to provide its services to the standard to be reasonably expected in this regard.
3. I note the company cancelled all bills based on the incorrect meter, Meter X, and rebilled the customer from 2013 based on her average daily use as recorded at the correct meter, Meter Y. I consider it acted reasonably in taking this action. However, I do not consider this fully remedies all the disadvantage suffered by the customer.
4. In considering the customer's claim for compensation, I have taken into account that the customer owed a debt at Address A and was properly subject to some debt collection action. Further, that after recalculating the customer's bills, the customer continued to owe a debt to the company and would continue to pay a similar monthly amount under her new bills. It follows that the customer would have suffered distress due to her circumstances; that is the high bills, debt collection action and pressure to reduce water usage, irrespective of the company's billing error.
5. However, there remains a question as to whether the company's recalculation of the customer's bills leaves her better or worse off financially than she would have been, as usage fluctuates. Further, the customer has spent years REDACTED and trying in vain to reduce her water usage unaware this would make no difference as she was not being billed on the correct meter. Bearing this in mind, I consider an upper tier 2 payment under the WATRS compensation guide is warranted. I therefore find it fair and reasonable to direct that the company pay the customer compensation in the sum of £500.00 for distress and inconvenience.

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6. I have considered the customer's comments on my preliminary decision however my findings remain the same. This is because I can only consider a remedy for disadvantage arising as a direct consequence of the company's falling. The customer would have been in debt and had negative entries of her credit file even without the company's billing error. The customer also would have had to make a similar payment each month irrespective of the error. It is therefore likely the customer would have tried to limit her water use to reduce her bills, and suffered the impact of this, irrespective of the error. I do accept the customer REDACTED due to believing she owed approximately £1800 more than she did and I took this into account in considering the compensation due. Therefore the payment remains the same.

#### Outcome

The company should pay the customer compensation in the sum of £500.00.

#### What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by [date] to accept or reject this decision.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.



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

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