

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X721

Date of Final Decision: 9 October 2023

Party Details

Customer: XX

Company: XX

Complaint

The customer says the company billed him based on estimated water usage for four years resulting in a very high catch up bill. He considers it unfair that he should have to pay this in full and claims for the company to reduce this bill.

Response

It accepts it failed to take an actual meter reading at least annually and it has made GSS payments totalling £120.00 to the customer as a result. However, it denies it should reduce the bill.

Findings

The evidence shows the company failed to provide its services to the standard to be reasonably expected as it did not read the customer's water meter annually. However, the evidence shows no further remedy is warranted.

Outcome

The company does not need to take any action.

The customer must reply by 6 November 2023 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- The company issued bills based on estimated water use since taking over the account four years ago.
- In 2023 the company issued a bill based on an actual meter reading. This was very high as it accounted for years of undercharging.
- He queried the bill with the company in March 2023 but it continued to chase payment and threaten debt collection action until he raised a formal complaint at the end of March 2023.
- He then asked the company to reduce the bill given the circumstances but it refused.
- He seeks that the company cancel charges related to previous years' usage or reduce the outstanding bill by an unspecified amount.
- In comments on the company's response, the customer disputes the company advised during a 2018 phone call that its bills were estimates.
- In comments on a preliminary decision the customer said he would have taken an actual meter reading but did not know where the meter was, as it was hidden by shrubs. He now asks if he can accept the company's offer to settle, as made prior to this adjudication.

The company's response is that:

- It accepts it did not read the customer's meter each year and it issued a GSS payment of £30.00 per failing to the customer upon his raising the matter.
- It has enclosed copies of bills issued to the customer which state they are based on estimated readings and informed the customer he could provide an actual reading at any time.
- It has provided a chronology of contact with the customer to show it was prompt in contact on each occasion including placing a hold on the account once a complaint was raised.
- 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.

How was this decision reached?

1. The company accepts it should read a customer's water meter at least once every 12 months and that it failed to do so for four years in the customer's case. This is evidence that the company failed to provide its services to the standard to be reasonably expected.
2. The company has evidenced that it explained its oversight to the customer and applied a GSS payment of £120.00 to his account by way of recompense. I consider it acted reasonably in doing so.
3. As to the customer's claim for the company to reduce his current outstanding bill, I must consider if the customer has suffered some disadvantage due to the company's failing. I must also consider if the customer could have taken action to mitigate any such disadvantage.
4. It is not in dispute that the customer has made use of the water charged for. I accept he will have suffered shock and distress at receiving an unexpectedly high bill and that he may now struggle to pay this. However, the company has also evidenced it put the customer on notice that his bills were based on estimates and invited him to provide actual readings. This is stated on the bills issued to the customer, copies of which have been provided. I therefore consider the

customer could have avoided the unexpected bill by submitting an actual read himself at any time.

5. As the customer could have reasonably avoided any disadvantage and as the company has already made GSS payments totalling £120.00 for its failure to take meter readings, I consider no further action by the company is justified or warranted. Therefore, the customer's claim is unable to succeed.
6. I have considered the customer's comments on my preliminary decision, but this is not new information and so my decision remains the same. The customer could have located his water meter himself and taken a reading or, asked the company to locate his meter for him. The customer took neither action and so my findings at paragraphs 4 and 5 remain the same.
7. Under the WATRS scheme rules the company may seek to negotiate a settlement with the customer prior to a decision by WATRS. The company made an offer to the customer in this case which the customer refused. It is now up to the customer to decide whether to accept or reject the outcome of this final decision. WATRS has no further involvement between the parties thereafter.

Outcome

The claim does not succeed.

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 6 November 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.




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