

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1535

Date of Decision: 20 August 2019

Complaint

The customer submits the company has not offered her adequate compensation for its service failings. She claims compensation in the sum of £1000.00. However, in her comments she clarifies this is less sums already paid by the company.

Defence

The company denies the claim for £1000.00. It accepts service failings but asserts it has already provided an adequate remedy. It has reimbursed the customer £525.37 for incorrect charges, paid £80.00 as a goodwill gesture and offered a further £80.00.

Findings

The company has failed to provide its services to the standard to be reasonably expected.

Outcome

The company should pay the customer compensation in the sum of £420.00.

The customer must reply by 17 September 2019 to accept or reject this decision.

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- It does not consider further compensation is due.

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. Having considered the parties' submissions and evidence provided, I note the following matters are not in dispute:
2. The company fitted water meters at the customer's property incorrectly, resulting in her paying for the water supply for two properties in error.
3. The company took about six months to resolve the issue from the date the customer complained to the date the company fitted a meter correctly.
4. The company promised a call back on one occasion that it did not make.
5. The company turned off the customer's water supply during one of its engineer visits in error, though I note the customer has not said she was living in the property at the time.

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6. The company fitted a new meter incorrectly and therefore had to attend again to rectify this.
7. In light of the above, I find the company failed to provide its services to the standard to be reasonably expected.
8. I note the company has already refunded the customer for incorrect charges and paid £80.00 as a goodwill gesture. However, the parties are in dispute as to whether further compensation due.
9. I am satisfied the customer is due further compensation for the stress and inconvenience caused by the company's failings. I have taken into account that the customer was deprived of a substantial of money due to the incorrect charges; that she had to engage in many phone calls with the company to resolve the issue over a six month period and; that the company's evidence suggests she had to be present for at least two of the engineer visits. I have also considered there is no substantive evidence the company failed to offer the correct refund initially or that it failed to make good any works undertaken by its contractors. Bearing these points in mind, I find that £500.00 is a fair and reasonable level of compensation for the stress and inconvenience the customer suffered. However, as the company has already paid £80.00, I direct that it pays the customer a further sum of £420.00. Therefore, the customer's claim succeeds in part.

Outcome

The company should pay the customer compensation in the sum of £420.00.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 17 September 2019 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

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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.



Justine Mensa-Bonsu, LLB (Hons), PGDL (BVC)

Adjudicator

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