

WATRS

Water Redress Scheme

DECISION

by Justine Mensa-Bonsu LLB (Hons), PGDL, MCI Arb

An adjudicator appointed by WATRS

under the Water Redress Scheme

Decision date: 17 May 2016

Adjudication Reference: WAT/ /0277

Between █████¹ and █████²

- The claim is made by the customer, █████, against a water only company, █████
 - The claim dated 19 April 2016 is for the company to supply and fit a pressure reducing valve at its own cost.
 - The position of the company is explained in its 4 May 2016 defence.
 - The customer submitted undated comments.
 - The customer's claim is that the water pressure to his property has increased and that this is damaging his shower.
 - The company's position is that it denies liability to the customer.
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Decision

1. The claim is unable to succeed.

Main issues

2. I consider that the main issues in this adjudication are:
 - a. Whether the company has failed to provide its services to the standard to be reasonably expected.
 - b. Whether the reasons given by the customer are sufficient to justify the remedy sought.

Background information

3. In order to succeed in a claim against the company the customer must prove 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 a loss. If no such failure or loss is proved, the company will not be liable.

¹ Customer's address for correspondence: █████

² Company's address for correspondence: █████

4. The customer and the company are aware of the facts of this case. I do not propose to recount all the facts in the same manner and order as the parties have done in their documents except where it is necessary for the purposes of this decision. I have carefully considered all of the documents submitted by the parties in support of their submissions and presented to me. The parties should also be reassured that if I have not referred to a particular document or matter specifically, this should not be taken to mean that I have not considered it in reaching my decision.

Customer's and company's positions

5. The customer submits that in August 2015 a shower unit in his property blew its pressure release valve. This had never happened before and it was repaired by the manufacturer. Every time the shower was used thereafter the pressure valve blew again. He believes that the reason for this is that the water pressure from the mains supply has increased. He seeks that the company supply and fit a pressure reducing valve at its own cost.
6. The company asserts that the water pressure within its network has remained the same for some time. It refers to an internal email confirming such and also data from its network. There are no upper limits on water pressure and it refers to Ofwat's website in support of this. The issues experienced by the customer are not through any fault of its own. There has been no change in its network and it is meeting its regulatory obligations. Nonetheless it made an offer to cover the cost of a pressure reduction valve. This offer was rejected.

Adjudicator's findings and reasons

7. I find that:
 - a. I accept the customer's submissions to the effect that he has suddenly started experiencing problems with the pressure release valve in his shower. However, the customer has not provided any substantive evidence which demonstrates that this is due to an increase in water pressure from the mains supply.
 - b. I note that the company has provided data in order to demonstrate that there has been no increase in water pressure in the relevant area, over the past ten years. Having reviewed this data I note that, at the very least, it is apparent that there was no noticeable change in pressure when comparing December 2014 and December 2015. The customer started experiencing problems from August 2015, however the data indicates that water pressure did not increase at this time.
 - c. In consideration of the parties' submissions and evidence, as outlined above, I find that the customer has not proven, on a balance of probabilities, that the water pressure from the mains has increased or that this caused the reported problems.

- d. Whilst I am satisfied that the water pressure has not increased the company acknowledges that the customer has high water pressure in general. The company has provided a document prepared by Ofwat which states that water companies should ensure that high water pressure does not cause damage to a customer's property if the fittings meet normal standards.
- e. As the water pressure supplied to the customer has not changed since August 2015 it seems unlikely that this could be the cause of the problems. Further, the parties' submissions and evidence suggest that the customer's fittings do not meet normal standards - The customer asserts that his plumber took a pressure reading of 10 bar and I note that the company took its own reading of 9 bar. In correspondence exchanged between the parties the company asserted that building regulations require plumbed internal fittings to withstand a pressure of 10 bar. This has not been disputed by the customer. The fact that the customer's shower unit appears unable to withstand a pressure of 10 bar suggests that the fittings do not meet normal standards. The company is not obliged to take action in such circumstances.
- f. In light of the above, I find that the customer has not proven on a balance of probabilities that high water pressure is the cause of the reported problems or, if it is, that the company is obliged to take any action in respect of such.
- g. The customer sought that the company supply and fit a pressure reducing valve at its own cost, which the company refused. In light of my findings above, to the effect that the company was not obliged to take any action to assist the customer in this respect, I find no evidence that it failed to provide its services to the standard to be reasonably expected. Consequently, the customer's claim is unable to succeed.
- h. I remind the parties that I cannot consider any new matters or complaints as may be raised in the customer's Reply.

Conclusion

- 8. My conclusion on the main issues is that:
 - a. The company has not failed to provide its services to the standard to be reasonably expected.
 - b. The reasons given by the customer are not sufficient to justify the remedy sought.
- 9. Therefore, I conclude that the claim is unable to succeed.



**Justine Mensa-Bonsu LLB (Hons), PGDL, MCI Arb
Adjudicator**