

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0630

Date of Decision: 2 January 2018

Complaint

The customer states that the company has incorrectly charged him for water usage in a period during which the property was rented to a private tenant, a fact that he notified to the company. He objects that the company has now brought court proceedings against him to recover the amount it claims is owed, and that it has reported to credit reference agencies that he is in default on his payments. He complains that the company's rates are too high, and that it has not assisted him in having a water meter installed. He asks that the company cancel the charges currently on his account, that it install a water meter immediately and inform him of the applicable charges, and that the company pay compensation of £2,500.00 for negative reporting to credit reference agencies and for legal fees relating to court proceedings.

Defence

The company states that under the law the customer remains liable for the water charges on the property even if it was rented by a private tenant, as he did not provide notice to the company of the tenant's details within the required period. Its charges are higher than those of some other water companies because of the diffuse population that it services. The company is legally entitled to report to credit reference agencies that the customer has not paid the amount it claims he owes. It is willing to fit a water meter at the property.

Findings

This dispute cannot be adjudicated at WATRS as it is currently the subject of court proceedings.

Outcome

The company does not need to take any further action.

The customer must reply by 30 January 2018 to accept or reject this decision.

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Party Details

Customer: ██████████

Company: ██████████

Case Outline

The customer's complaint is that:

- He purchased ██████ ("the Property") on 2 October 2015, and commenced refurbishment.
- On 1 November 2015 he let the Property out under a 15 month private tenancy agreement.
- On 1 November 2015 he wrote to the company to notify it that a tenant was living in the Property, and of the tenant's name.
- The tenant departed the Property on 2 February 2017, as per the tenancy agreement.
- The Property was unoccupied from 3 February 2017 until 17 March 2017 while he again refurbished it.
- He received a bill from the company of £926.65 for the period from 5 October 2015 until 31 March 2017.
- He occupied the Property himself from 18 March 2017 until 29 April 2017.
- The Property has been unoccupied since 29 April 2017.
- In September 2017, the company commenced court proceedings against the customer to recover the amount it claims he owes.
- He asks that the company cancel the charges currently on his account, that it install a water meter immediately and inform him of the applicable charges, and that the company pay compensation of £2,500.00 for negative reporting to credit reference agencies and for legal fees relating to court proceedings.

The company's response is that:

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- The customer remained legally responsible for the water charges on the Property as he did not notify the company of the tenant's details within the period allowed under the law.
- The charges on the Property have been correctly calculated, taking into account the differing usages of the Property in different periods.
- The company's charges are higher than those of some other water companies because it services a geographically-dispersed population.
- It is legally entitled to report to credit referencing agencies that the customer has not paid the amount it claims he owes.
- It is willing to install a water meter at the Property.

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.

If the evidence provided by the parties does not prove both of these issues, the company will not be directed to do anything.

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 customer asks that the company cancel the charges currently on the account.
2. Under Rule 3.5 of the 2017 edition of the Water Redress Scheme Rules, "The Scheme cannot be used to adjudicate disputes... that are subject to existing court action".
3. Both parties acknowledge that the dispute is currently the subject of court proceedings.

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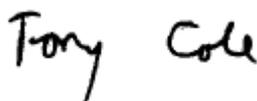
4. Consequently, the customer's claim does not succeed, as it cannot be adjudicated at WATRS. However, it must be emphasized that this holding reflects solely the limitations of WATRS, and does not reflection an evaluation of the validity or otherwise of the claims of either party.

Outcome

The company does not need to take any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 30 January 2018 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.



Tony Cole, FCI Arb

Adjudicator

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