

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0631

Date of Decision: 2 January 2018

Complaint

The customer believes that there is a sewer leak from the company's pipes located on her property. The company has investigated the issue and stated that there is no leak from its pipes. The customer submits that she complained to CCWater (Consumer Council for Water) but it ultimately concluded that there was no sufficient basis to challenge the company further in relation to this issue. The customer is not satisfied with this and is now claiming for the company to conduct an electro scan of its pipes, to repair any leaks and provide an unspecified amount of compensation.

Defence

The company submits that following the customer's complaints, it conducted an investigation into this issue (by CCTV scanning and dye testing) and confirmed to the customer that there are no leaks on its pipes. Nonetheless, in order to reassure the customer, it patched up a section of pipe and offered to conduct another CCTV scan to reconfirm its findings. The company acknowledges that the issue has been referred to CCWater who concluded that there was no sufficient basis to challenge it further in relation to this issue. The company submits that it has also provided the customer with a gesture of goodwill in the sum of £150.00. The company has not made any further offers of settlement.

Findings

I do not find that company has failed to provide its services to the standard to be reasonably expected by the average person. Based on the evidence provided, I find that the company aptly responded to the customer's issues and took reasonable action in order to investigate the matter. I also acknowledge that the company has provided the customer with a gesture of goodwill in the sum of £150.00 and offered to conduct a further CCTV scan to reassure her of its findings.

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: [REDACTED]

Company: [REDACTED]

Case Outline

The customer's complaint is that:

- In June 2016, the company's contractors lined its main storm pipe which runs through the customer's land.
- During the lining process, the pipe's outer clay covering cracked and some sealing resin leaked from the piping joints.
- The customer submits that she believes there is a sewer leak from this pipe.
- The customer submits that the contractors who were present on the day denied that there was any leak from the pipe and stated that if there was a leak, it was from somewhere else.
- The customer complained to the company and it investigated the issue. The company conducted tests (CCTV and dye testing) and found no leaks on the piping itself. However, a small section of sewer under the customer's garage was patch lined to rectify a connection with a land drain that was allowing water to escape when the pipe was surcharged in abnormal conditions. The company also provided the customer with a goodwill payment of £150.00 in recognition of any issues experienced.
- The customer still believes that there is a leak on the pipe and has requested that the company perform a further electro scan. The company did not agree to this and stated that it is satisfied that there are no leaks from its pipe.
- The customer was not satisfied with this and referred the issue to CCWater. CCWater ultimately concluded that there was no sufficient basis to challenge the company further on this issue.

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- The customer does not accept this and is now claiming for the company to perform an electro scan on the pipe, to repair any issues and provide an unspecified amount of compensation.

The company's response is that:

- The customer was concerned with sewer flooding to her property from the company's pipes.
- The company fully investigated both the foul and surface water sewers on and near the customer's property. There are no issues with the foul sewer and this has been confirmed by a CCTV survey and dye testing.
- The surface water sewer running under the customer's garage has been lined with a waterproof structural liner that prevents water from escaping or entering the pipe. During the lining process a section of previously excavated pipework split open. As the customer was concerned with this, and believes water was still escaping the company's assets, it returned to carry out further tests.
- As a result, a small section of sewer under the garage was patch lined. This was to rectify a connection with a land drain that was allowing water to escape when the pipe was surcharged in abnormal conditions. The company is confident that any water affecting the customer's property is not coming from any of its assets.
- The customer is making a claim for the company to carry out an electro scan. However, this is not a service that it offers and it has never used this type of scan. In any event, the company submits that it is confident (following its investigations) that there is no leak from its pipes.
- Nonetheless, the company has provided the customer with a gesture of goodwill in the sum of £150.00 for any issues experienced and has offered to complete a further CCTV survey to again confirm its findings.
- The customer referred the issue to CCWater who ultimately concluded that there was no sufficient basis to challenge the company further in relation to this issue.
- In light of all the above, the company submits that it is not obliged to provide the customer with the redress being claimed.

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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. It appears that the crux of this dispute lies with the customer's belief that there is a sewer leak from the company's pipes located on her property. The customer is therefore making a claim for the company to perform an electro scan on the pipes, repair any leaks and provide an unspecified sum in compensation.
2. At this juncture, I find it prudent to remind the parties that adjudication is an evidence-based process and it is for the customer to show that the company has not provided its services to the standard that would reasonably be expected of it.
3. Following careful review of all the evidence provided (with particular attention paid to the customer account notes and correspondence between the parties), I note that the customer first raised concerns relating to sewer leakage onto her property in 2015, and that the company has provided details of its investigations into this issue. However, as detailed in her application form the customer's current claim relates only to the period after June 2016. I will therefore proceed accordingly.
4. Based on all the evidence available to me at the time of adjudication, I find that after the customer raised her concerns about leakage from the company's pipes, it took appropriate action to investigate the matter. Specifically, I note that the company conducted CCTV scanning

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and dye testing to ensure that there were no leaks from its pipes. The company submits that its investigations confirmed that there were no leaks from the company's pipes and that this was duly conveyed to the customer. Nonetheless, I in order to further reassure the customer, the company patch lined a small section of sewer under the garage. The company submits that it is entirely confident that any water affecting the customer's property is not coming from any of its assets.

5. In addition to the above I acknowledge that the company also provided the customer with a gesture of goodwill in the sum of £150.00 and has offered to conduct another CCTV scan in order to reassure the customer that there are no leaks from its pipes. I note that CCWater concluded that there was no sufficient basis to challenge the company further in relation to the issues raised by the customer. Furthermore, from the evidence provided by the customer, I note that CCWater's conclusions were further supported by OFWAT (The Water Services Regulation Authority) in August 2017 who expressly stated that the company had sufficiently demonstrated that there are no leaks from its pipes.
6. Whilst I acknowledge the customer's assertion that she believes there is a leak from the company's pipes, I am not satisfied that there is sufficient substantive evidence to support this assertion. Based on the evidence available, I find that the company has reasonably demonstrated (following thorough investigations) that there is no leak emanating from its pipes. I must therefore concur with the findings of CCWater and OFWAT in relation to this matter.
7. In light of all of the above, I am unable to objectively conclude that the company has failed to provide its services to the standard to be reasonably expected by the average person in this instance.
8. In the absence of any substantiated failures on the part of the company to warrant the redress claimed; I am unable to uphold the customer's claims for redress.

Outcome

The company does not need to take any further action.

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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.
- 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.



E. Higashi LLB (Hons), PGDip (LPC), MCI Arb.

Adjudicator

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