

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0747

Date of Decision: 23 August 2018

Complaint

The customer states that when she moved into the Property in 2014 she notified the company of her circumstances and that a water meter could not be installed at the Property. She requests that application of the Assessed Measured Charge to the Property be backdated to 2014, resulting in reimbursement of £989.00 plus interest, and that she receive compensation of £2,500.00 for the stress and inconvenience she has experienced.

Defence

The company states that the customer did not raise her circumstances or the installation of a water meter when she moved into the Property in 2014. She requested a water meter in 2018, and when the company determined one could not be installed, she was placed on the Assessed Measured Charge. It has backdated application of the Charge to May 2017, at which time a neighbour was placed on the Charge. It argues that the customer has been billed properly.

Findings

The customer has not established that she raised the issue of metering the Property prior to January 2018. The company has established that it has billed the customer correctly and has responded appropriately to the customer's contacts.

Outcome

The company does not need to take any further action.

The customer must reply by 21 September 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 23 August 2018

Party Details

Customer: []

Company: Company: []

Case Outline

The customer's complaint is that:

- She moved into []("the Property") in August 2014.
- On 13 August 2014 she notified the company that she would be moving into the Property and set up her account over the phone.
- During this phone call she notified the company of her circumstances and that her property could not be fitted with a water meter.
- She was not informed by the company at this time that she was entitled to be charged on a Household Assessed Measured Charge for One Occupier basis, which would have significantly reduced her bill.
- She has been advised by the Citizens Advice Bureau that she was overcharged by the company from August 2014 to January 2018
- She acknowledges that she has received reimbursement back to May 2017, but states this should be backdated to 2014.
- She requests reimbursement of £989.00 plus interest for amounts she was overcharged by the company, and compensation of £2,500.00 for stress and inconvenience.

The company's response is that:

- When the customer moved into the Property, the Property was billed on an unmeasured basis.
- It can find no record of a phone call with the customer in 2014.

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- It does have a record of the customer contacting it through its website in 2014 to set up her account.
- The customer subsequently contacted the company three times before requesting a meter, each time with respect to her direct debit.
- The customer was not entitled to be charged on the basis of Assessed Measured Charges prior to the company confirming that a water meter could not be installed. This occurred on 18 January 2018, after the customer requested a water meter in on 4 January 2018.
- As a gesture of goodwill, it has backdated application of the Assessed Measured Charge to the Property to 2 May 2017, when the Charge was applied to a neighbouring property.
- The company argues that the customer has been charged correctly.

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 customer argues that she initially set up her account in 2014 through a phone call with the company, and on this phone call notified the company of her personal circumstances and that a water meter could not be fitted at the Property.

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2. The company denies receiving a phone call from the customer at this time, and has produced evidence that the customer set up her account through the company's online form.
3. The customer has not produced any evidence supporting her argument that she set up her account by phone, and has not submitted comments challenging the evidence produced by the company.
4. While I accept that the customer may not have easy access to evidence supporting her argument that she set up her account by phone, the company's evidence that she did so by online form is clear, and the customer has not challenged this evidence or asserted that she made a separate phone call in which she discussed with the company that a water meter could not be installed at her property.
5. In many disputes, the evidence as to precisely what happened will be to some degree unclear, and the law addresses this uncertainty through what has come to be known as the "balance of probabilities" test. Under this test, the decision-maker must look at the evidence provided by the parties, and decide what is most likely to have happened based on that evidence. Importantly, this decision is only based on the evidence provided by the parties, and so is made with full knowledge that the evidence provided may in some way be misleading, or that there may be additional evidence that would justify a different conclusion. However, as a decision must be made, it must be made based on the evidence actually provided, not on the decision-maker's unsupported speculations regarding what may or may not have happened.
6. As a result, on the balance of the evidence available to me, I must find that the customer set up her account in 2014 through the company's online form, and so did not discuss with the company at this time whether it was possible to have a water meter installed at the Property.
7. As argued by the company, the Assessed Measured Charge is only available to customers who have requested a water meter but have been told by the company that one cannot be installed.
8. The company has provided clear evidence that the customer was expressly notified on a regular basis through her annual bill of the possibility of requesting a water meter, and I accept the company's evidence that the customer did not request a water meter be installed at the Property until January 2018.

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9. Nonetheless, the company has acknowledged that it placed a neighbour of the customer on the Assessed Measured Charge in May 2017. At this point the company was on notice that the customer was unable to have a meter installed, as the obstacle to installation of a meter at the Property was the shared pipework at the building in which the Property is located.
10. However, I find that the company has acted appropriately to acknowledge this fact, by backdating application of the Assessed Measured Charge to the Property to May 2017.
11. As a result, on the basis of the above, I find that the company has billed the customer correctly.
12. Consequently, the customer's claim for reimbursement of £989.00 plus interest does not succeed.
13. In addition, I find that the company has acted appropriately in its responses to the customer, by inspecting the customer's property for installation of a water meter 14 days after the request was made, by backdating the application of the Assessed Measured Charge to May 2017, and by explaining clearly to the customer why it would not backdate application of the charge further.
14. This does not mean that the customer did not suffer stress and inconvenience, however as I have found that the company acted appropriately and supplied its services to the customer to the standard to be reasonably expected by an ordinary person, the customer's claim for £2,500.00 for stress and inconvenience does not succeed.
15. For the reasons given above, the customer's claim does not succeed.

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.

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- The customer must reply by 21 September 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.
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Tony Cole

Tony Cole, FCI Arb

Adjudicator

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