

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0750

Date of Decision: 26 September 2018

Complaint

The customer states that his water meter is inaccurately recording his water usage, resulting in incorrectly high bills. He requests that he be placed on a fixed charge or that he be provided with a £100.00 discount.

Defence

The company states the customer is properly billed on the basis of a water meter. It also states that it has undertaken a series of examinations of the customer's water usage, and it has concluded that the customer is being billed correctly. No offer of settlement has been made.

Findings

The company has established that the customer is properly billed on the basis of a water meter. The customer has not established that he is being billed incorrectly, and the company has established that it has taken appropriate measures to examine the accuracy of the customer's recorded water usage. The company has therefore provided its services to the customer to the standard to be reasonably expected by the average person.

Outcome

The company does not need to take any further action.

The customer must reply by 24 October 2018 to accept or reject this decision.

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- In September 2016 one of the company's engineers visited the customer's property and identified that two of the customer's four toilets were faulty, resulting in intermittent leaks. The toilets were repaired and the customer's water usage reduced. The customer was provided with a one-off refund of £479.65 in November 2016.
- In August 2017 the company replaced the customer's water meter to allow installation of a data logger.
- After removal of the old meter it was examined and confirmed to be operating properly.
- The water diary provided by the customer and the results of the data logger confirm that the customer is using the water for which he is being billed.
- The company states that it has acted in accordance with its obligations and has undertaken efforts to examine the customer's water usage in a manner that is consistent with providing its services to the customer to the standard to be reasonably expected by the average person.
- The company states that the customer is correctly billed on the basis of a water meter, and that as there is no evidence that his water meter is not accurately recording his water usage, he is not entitled to the discount requested.

The customer's comments on the company's response are that:

- He disputes that the company has offered to send an engineer to his property.
- The company could cooperate with him further in identifying problems with his reported water usage.

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.

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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 has expressed concern at the accuracy of the water bills he is receiving on the basis of the water meter at his property. He has requested that he be moved to fixed rate billing, rather than billing via water meter.
2. The power of water companies to charge for the supply of water is ultimately derived from the Water Industry Act 1991, and in the Act limitations are placed on the power of water companies to bill customers on the basis of a water meter.
3. Specifically, under Section 144B of the Water Industry Act 1991, a water company is restricted from charging customers on the basis of a water meter only where “charges in respect of those premises have previously been fixed without reference to volume”.
4. As the customer’s property was a “new build”, it has never been billed on any basis other than via a water meter.
5. Consequently, the Water Industry Act 1991 allows the company to bill the customer on the basis of a water meter, and I am unable to order that the company place the customer on an unmetered fixed charge.
6. The customer also questions the accuracy of his water meter, and it is not disputed by the company that if the customer’s water meter readings have been inaccurate then he would be entitled to reimbursement of any incorrect charges and to the correction of the faulty meter.
7. The company has, however, demonstrated that it has undertaken repeated and thorough efforts to examine the accuracy of the customer’s recorded water usage, and the customer has himself spent significant time and effort cooperating with the company in these examinations.
8. Nonetheless, with the exception of leaks in the customer’s toilets identified in 2016, no evidence has been found that the customer is being billed incorrectly.

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9. The customer particularly highlights that the data logger installed by the company shows significantly varied water usage from day to day, while he believes that his water usage has been consistent. However, a comparison of the results of the data logger with the water diary kept by the customer shows that the days on which the data logger records higher water usage are days on which the customer's water diary records higher usage. For example, the number of showers recorded in the customer's water diary varies from two to four per day, and the data logger shows notably higher water usage on those days that the water diary records four showers being taken. Moreover, the times at which the customer's water diary records showers being taken are times at which the data logger reports extremely high water usage.
10. The customer has gone to impressive lengths to cooperate with the company in its investigation of his water usage, however the results of that investigation do not support a finding that the customer is being billed incorrectly.
11. While such investigations can never be perfect, and so cannot entirely eliminate the possibility that something has been missed, I find that the company has been diligent in its investigation and so has provided its services to the customer to the standard to be reasonably expected by the average person.
12. Consequently, the customer's request that he be provided with a £100.00 discount cannot be ordered.
13. For the reasons given above, I find that the company has provided its services to the customer to the standard to be reasonably expected by the average person, and the customer's claim does not succeed.

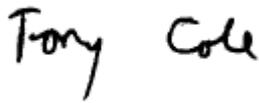
Outcome

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 24 October 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.
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Tony Cole, FCI Arb

Adjudicator

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