

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0752

Date of Decision: 17 September 2018

Complaint

The customer submits that he received a high bill and he hired a plumber to investigate the cause. The plumber identified that a patch repair had been carried out on the pavement outside, at the meter chamber, and suspects that a third party was responsible for the leak and its subsequent repair without reporting it to anyone. His claim for a leak allowance has been rejected by the wholesaler, RST Water (RST) as the leak was caused by a third party. The customer submits that he should not be liable to pay for a leak that was caused by an unknown third party and that occurred outside his premises. On the application form, the customer requests that the company do something about his bill. The customer's submissions in this section indicates that the customer would like the company not to bill him for the leak. The customer has not given any specific figures.

Defence

The company submits that the wholesaler has confirmed that under its policy, no leak allowance will be granted as the cause of the leak and the repair to the meter was by a third party. No offer of settlement was made.


Findings

The evidence shows that RST, and not the company, is responsible for granting any leakage allowances. Claims against RST cannot be considered in this adjudication. The evidence supports the information given to the customer about the wholesaler's leakage allowance policy. The company has passed on the wholesaler's response including details of its policy that it will not grant a leakage allowance if the leak was caused by the act of a third party. The evidence shows that the company requested that RST review its decision but RST declined to grant a leakage allowance. The company only has a duty to contact the wholesaler and query any decisions on behalf of the customer, and the company has fulfilled this duty. There are no failings on the company's part in relation to customer's request for a leakage allowance.

Outcome

The company does not need to take any further action.

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The customer must reply by 15 October 2018 to accept or reject this decision.

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Date of Decision: 17 September 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- He received a high bill and hired a plumber to investigate the cause. The plumber identified that a patch repair had been carried out on the pavement outside at the meter chamber and suspects that a third party was responsible for the leak and its subsequent repair without reporting it to anyone.
- His claim for a leak allowance has been rejected by the wholesaler, RST Water (RST) as the leak/burst was caused and repaired by a third party.
- He has not used the leaked water that passed through the meter. And, in the absence of being able to identify the third party responsible for the leak, he is wholly reliant on his consumption history to support his argument. His water consumption was the same before and after the leak.
- The company has suggested he take up the matter with the third party in question but he cannot do this as he does not know the identity of the third party.
- He should not be liable to pay for a leakage that occurred outside of his premises.
- On the application form, the customer requests that the company do something about his bill. The customer's submissions in this section indicates that the customer would like the company not to bill him for the leak. The customer has not given any specific figures.

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The company's response is that:

- The customer made contact on 14 September 2017 as the invoice received was larger than normal. Following a conversation with an advisor, the customer confirmed that he would investigate for a leak.
- On 2 October 2017, the customer advised that there had been work done to the meter and the tarmac had been replaced. The customer explained that he believed this had been done during the time of the increase in consumption between January 2017 and July 2017. The customer was advised to complete and return a leak allowance form.
- The customer made contact on 3 November 2017 and he explained he was unable to complete some of the information on the form as a third party had repaired the meter without his knowledge. The completed form was received back and sent to the wholesaler on 20 November 2017.
- The wholesaler responded on 21 December 2017 and confirmed that no leak allowance would be granted as the repair to the meter and to the meter site was carried out by a third party.
- The customer was unhappy with the wholesaler's response. On 22 December 2018, the matter was moved to stage two of the complaints process and the case was escalated back to the wholesaler with a request to review the case for a discretionary allowance. However, the wholesaler confirmed its policy and that the decision previously made remained the same.

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

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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?

RST

1. The company and RST are separate entities. The company is the retailer and RST is the wholesaler. I must remind the parties that a WATRS application can only be brought against one party. This case has been brought against, and is defended by, the company. Therefore, for the purposes of this decision, my remit is to determine the issues between the customer and the company. It falls outside of my remit to consider any claims or complaints against RST .

Leakage allowance

2. The customer submits that high consumption noted on his bill was caused by a leak.
3. The customer states that a plumber visited his premises and found no leaks. However, the plumber identified that a third party had carried out some work to the pavement around the meter as some new tarmac had been laid around the meter and it was difficult to lift the cover for the meter. The plumber informed him that the third party is likely to have been responsible for a leak and its subsequent repair.
4. The evidence shows that RST , and not the company, is responsible for granting any leakage allowances. The company's duty is to contact the wholesaler and query any decisions on behalf of the customer.
5. I accept the excerpt of RST 's Charges Scheme and the conditions on the leakage allowance form submitted by the company, as evidence to support the information given to the customer about the wholesaler's leakage allowance policy.

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6. Under the wholesaler's policy, a leakage allowance will not be given if a leak was caused by the act of a third party.
7. I acknowledge the customer's submissions that the leak happened outside his premises and that he has no way of knowing who the third party was. The evidence shows that the company requested that RST review its decision but RST has declined to waive its policy.
8. As discussed above, any claim or complaints against RST cannot be considered under this adjudication. The company's duty is to contact the wholesaler and query any decisions on behalf of the customer, and the company has fulfilled this duty.
9. I acknowledge the customer's claim and appreciate that he will be disappointed. However, I find no failings on the company's part in relation to customer's request for a leakage allowance. The evidence shows that the company provided its services to the customer to the standard to be reasonably expected by the average person. Consequently, the 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.
- The customer must reply by 15 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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**U Obi LLB (Hons) MCI Arb
Adjudicator**

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