

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0765

Date of Decision: 27 June 2018

Complaint

The customer submits that she is displeased with the compulsory water meter that the company installed at her new-build property. The customer feels that the company acted illegally by installing the water meter. The customer submits that her monthly bills have increased as a direct result. She therefore believes that the water meter must be faulty. The customer is seeking an apology, for the company to remove the water meter, for the company to make her bill £0.00 and to provide her with compensation in the sum of £10,000.00.

Defence

The company submits that all new-builds (such as the customer's property) are charged by compulsory water meter and there is no other method of charging available to her. The company submits that in accordance with its scheme of charges and the Water Industry Act 1991, it was entitled install a compulsory water meter at the customer's property and to raise charges accordingly. The company submits that there is no evidence the water meter is faulty or that the customer has been charged incorrectly. The company accepts no liability for the redress claimed and has made no offers of settlement.

Findings

A failure to provide the company's services to the standard to be reasonably expected by the average person has not been established. The company was entitled to install a water meter at the customer's property and there is no substantive evidence that the meter is defective or that the customer has been charged incorrectly.

Outcome

The company does not need to take any further action.

The customer must reply by 25 July 2018 to accept or reject this decision.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

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 dissatisfaction with the compulsory water meter that the company installed at her property. The customer feels that the company acted illegally by installing the water meter and she believes that the meter must be faulty because her monthly water bills have increased. The customer is now seeking an apology, for the company to remove the water meter, for the company to make her bill £0.00 and to provide her with compensation in the sum of £10,000.00.
2. I remind the parties that adjudication is an evidence-based process and in order for any remedy to be awarded, the evidence must show that the company has not provided its services to the standard that would reasonably be expected of it.
3. I must also remind the parties that, in accordance with the rules of this scheme, I am required to disregard any new evidence introduced by customer in their comments (or thereafter). I acknowledge that the customer has recently sought to introduce such new evidence after the case had entered adjudication. Whilst this new evidence cannot be taken into account for the purposes of this decision, I have nonetheless reviewed it and found that it would not have affected the outcome of the decision in any event. I find that template improvement work letters from the company and a letter addressed to the customer's father at a different address would not affect the outcome of the findings below.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

4. Following careful examination of all the evidence submitted to me at the time of adjudication, I am particularly mindful of section B3: Metered Charges: Compulsory metering policy of the company's scheme of charges. Upon review of this section of the company's scheme of charges, I note that it makes clear that any new water supply to a property connected after 1 April 1989 must be charged by a compulsory water meter. I note that it is not in dispute that the customer's property is a new-build, which was fitted with a new water supply in 2016.
5. Further to the above, I also note that I have been provided with a signed copy of the customer's new water connection application. Upon close review of the terms applicable to this document, I note it expressly confirms that a water meter must be installed at the customer's property.
6. Accordingly, under the circumstances, I am not satisfied that the company's installation of a water meter at the customer's property in accordance with the requirements of its set scheme of charges (and the terms applicable to the customer's signed application for a new water connection) amounts to a failure to provide its services to the standard to be reasonably expected by the average person.
7. In the interests of completeness, I draw attention to the fact that by virtue of section 142 of the Water Industry Act 1991, the company is entitled to set its own scheme of charges and charge its customers in accordance with that scheme of charges. Consequently, I am not satisfied that the company acted illegally by setting its own scheme of charges and charging the customer accordingly.
8. I now turn to the customer's belief that the water meter must be broken due to the higher monthly charges she has recently incurred. I acknowledge that the company disputes this and has stated that the customer has been charged correctly for her actual water usage (in support of this assertion I note that the company has provided an explanation of how the customer's bill has been calculated based on the water usage recorded by her water meter). Upon review of the submissions in the customer's WATRS application form, I note that the customer appears to confirm that the company responded to her concerns on this issue and even provided instructions on how to detect an internal leak that might affect the water meter. I note that the customer has confirmed that no internal leak was detected. In light of all the observations above, and bearing in mind the fact that the customer has not provided any evidence in support of her

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

claim, on balance, I am not satisfied that the water meter installed at her property is defective or that she has been charged incorrectly. Accordingly, under the circumstances, I do not find that the company has failed to provide its services to the standard to be reasonably expected by the average person.

9. Consequently, in the absence of any substantiated failures on the part of the company, I am unable to uphold the customer's claims for redress.

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 25 July 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

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.