

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0767

Date of Decision: 18 June 2018

Complaint

The customer submits that the company installed a compulsory water meter at his property without consent or notice. The customer submits that the company will claim that they sent him letters notifying him of the compulsory water meter installation. However, he submits that he did not receive any of these letters. The customer's claim is for the company to remove the water meter.

Defence

The company submits that the customer was notified on several occasions that it would be fitting a compulsory water meter at his property. Specifically, the company states that it sent letters to the customer on 17 July 2017, 6 October 2017 and 17 October 2017 which all notified him that it would be fitting a compulsory water meter at his property. The company submits that in accordance with Water Industry Act 1991 and the Water Industry (Prescribed Conditions) Regulations 1999, it is entitled to install compulsory water meters without the requirement of consent on certain properties. On this occasion, a compulsory water meter was installed at the customer's property because he lives in an area of serious water stress. The company does not accept that it has failed to provide its services to the standard to be reasonably expected by the average person. The company has made no offer 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 without the requirement of consent and it provided the customer with sufficient notice of its intention to do so.

Outcome

The company does not need to take any further action.

The customer must reply by 16 July 2018 to accept or reject this decision.

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Party Details

Customer:.[]

Company:.[]

Case Outline

The customer's complaint is that:

- The company installed a compulsory water meter at his property without any consent or notice.
- The customer submits that the company will claim that they sent him letters notifying him of the compulsory water meter installation. However, he submits that he did not receive any of these letters.
- The customer submits that the company installed the water meter whilst his wife was in the bath and did not knock on his door.
- The customer claims that the company should remove the water meter.

The company's response is that:

- The customer was notified on several occasions that the company would be fitting a compulsory water meter at his property.
- The company submits that it sent letters to the customer on 17 July 2017, 6 October 2017 and 17 October 2017, which all notified him that it would be fitting a compulsory water meter at his property.
- The company also submits that on 22 August 2017 it visited the customer's property to discuss the water meter installation and to answer any questions that he may have about this process but there was no-one present at the house.
- The company submits that in accordance with Water Industry Act 1991 and the Water Industry (Prescribed Conditions) Regulations 1999, it is entitled to install compulsory water meters

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without the requirement of consent on certain properties. On this occasion, a compulsory water meter was installed at the customer's property because he lives in an area of serious water stress.

- Accordingly, the company does not accept any liability to provide the redress claimed by the customer.

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. The crux of this dispute lies with the customer's assertion that the company has installed a compulsory water meter at his property without any consent or notice. The customer's singular claim is for the water meter to be removed.
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 failed to provide its services to the standard that would reasonably be expected of it and that he has suffered financial loss or some other disadvantages as a result of this failure.
3. Following a close review of all the evidence provided to me at the time of adjudication, I am particularly mindful of the document titled "Water meters: the rights of customers and water companies" published by the House of Commons Library. Upon examination of this document, I

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note that it makes clear that water companies are entitled (by virtue of the Water Industry Act 1991 and the Water Industry (Prescribed Conditions) Regulations 1999) to install compulsory water meters without the requirement of consent at properties in certain circumstances (such as when the property in question is located in an area of water stress). I note that this document also confirms that the ■■■ Water area (where the customer's property is located) is one of the areas designated by the Secretary of State as a high water stress area.

4. In light of the above, under the circumstances, I am satisfied that the company was entitled to install a compulsory water meter at the customer's property without the customer's consent. I therefore do not find that the company's actions in this regard amount to a failure to provide its services to the standard to be reasonably expected by the average person.

5. I now turn to the customer's assertion that the company did not provide him with any notice before installing the compulsory water meter. I acknowledge that the company disputes the customer's assertion in this regard and submits that it had provided the customer with several notice letters advising him of its intention to install the compulsory water meter. Specifically, I note that the company submits that it sent letters to the customer on 17 July 2017, 6 October 2017 and 17 October 2017, which all notified him that it would be fitting a compulsory water meter at his property. I also note that the company has produced template copies of these letters.

6. Given the company's detailed account of the dates and content of the notification letters which it purportedly sent to the customer (which is also supported by the customer account notes extract provided by the company), on a balance of probabilities, I am inclined to accept that the company did send these letters to the customer that notified him of its intention to install a compulsory water meter at his property. Accordingly, I do not find that the company has failed to provide its services to the standard to be reasonably expected by the average person in this instance.

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7. Consequently, in the absence of any substantiated failures on the part of the company; I am unable to uphold the customer's claim 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 16 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

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