

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0831

Date of Decision: 12 June 2018

#### Complaint

The customer had water meters fitted in October 2014. After this date, his water bill was significantly reduced. The customer requests a modest rebate on the amount paid for water prior to installation of the meters as his usage has not changed since 2003.

#### Defence

The company is legally obliged to charge customers on an unmeasured basis unless a customer requests it move to a measured basis. The customer requested a water meter be fitted and meters were fitted on 7 October 2014. The customer's billing was changed from this date. There is no legal basis for any rebate.

#### Findings

The company must charge its customers on the unmeasured basis based on the rateable value of the property, unless a water meter is fitted at the request of a customer. The customer has been correctly charged on an unmeasured basis, and then on a measured basis after a water meter was fitted. The company is not able to make assumptions about the customer's usage before the meters were fitted. There is no legal basis for any rebate to be given to the customer.

#### Outcome

The company does not need to take any further action.

The customer must reply by 10 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. The customer was charged by the company on an unmeasured basis up to and including 6 October 2014. On this date, the customer had water meters installed at his property and the billing was changed to be based on the metered usage.
2. I am mindful that the company is limited in how it may charge customers by law. It must charge customers by reference to the rateable value of their property, or by reference to a customer's actual use as recorded on a water meter.
3. The rateable value is a now-defunct assessment of the annual rental value of a property. The rate is no longer assessed and the body that was responsible for assessing the value of properties is no longer in existence. For these reasons, the rateable value of a property cannot be challenged. Accordingly, the unmeasured charges do not take into consideration factors such as the number of occupants of a property or the amount of water actually used. However, where no meter has been fitted to a property and a customer has not requested a meter be fitted, the company has no option but to charge a customer for water services on an unmeasured basis.

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4. Following the water meters being fitted at the customer's property, the customer's bills were drastically reduced. I acknowledge that the customer feels that he was overcharged for water usage based on the unmeasured rate when compared to his actual usage. However, as above, the company has no flexibility as to how it charges its customers. Where no meter has been requested or fitted, it must charge customers based on the rateable value, even though this may have little relevance to the customer's actual usage. The fact that the customer's metered bills are significantly lower does not mean that there has been any overcharging.
5. I am satisfied that, where the company has not incorrectly charged the customer, there is no basis for any rebate to be calculated. The company must charge the customer at either the unmeasured rate or on a metered basis. It is not able to backdate metered charges to any period before metering took place. The company is not able to make assumptions about a customer's usage before this was being metered.
6. I am satisfied that the company did take reasonable steps to make customers aware that they could switch to a metered service by providing this information in its Annual Charges Leaflets. As above, the company is not legally able to charge a customer on a metered basis unless and until that customer requests to change the billing method. I therefore find that the company did not fall below the standard reasonably expected of a water supplier in respect of the customer's case and his billing.
7. In view of the above, I find that there is no basis for recalculating the customer's bills or to provide any rebate of his bills. The customer's claim is therefore unable to 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 10 July 2018 to accept or reject this decision.

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- 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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A handwritten signature in black ink, appearing to read 'Alison Dablin', with a long horizontal stroke extending to the right.

**Alison Dablin**, LLM, MSc, MCI Arb

**Adjudicator**

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