

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0865

Date of Decision: 25 June 2018

Complaint

The customer has made excessive payments for water over the past 10 years due to a leak. The meter readings showed usage well above average domestic use. The company should have picked up on the obvious discrepancy between the recorded and normal use. The customer requests the leakage allowance is increased to £10,000.00.

Defence

The customer is responsible for all consumption recorded on the water meter, including that attributable to a leak. The customer has been provided with the appropriate leakage allowance. The company does have measures in place to identify leaks, but the customer's leak was not identified.

Findings

The customer is responsible for the water use recorded and this is reasonable as the company has incurred the cost of supply, even where the water is lost to a leak. The leak steadily increased in volume and did not trigger the company's billing system flags. The leak was sufficiently low volume that it could reasonably be missed in a general leak investigation. The customer was best placed to identify the leak. There was no reason to increase the leakage allowance.

Outcome

The company does not need to take any further action.

The customer must reply by 23 July 2018 to accept or reject this decision.

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June 2017. The company cannot accept responsibility for the fact that the customer was not aware of the leak from his private pipework.

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 is billed by reference to water usage recorded on a water meter. The customer's water is supplied by the company whilst his sewerage service is supplied by [] Water. This WATRS Adjudication relates to the company, [], only.
2. The customer has provided the annual consumption figures as recorded on the water meter since 23 May 2007. This shows the annual consumption increased from 374 cubic meters per year to 1986 cubic meters per year between May 2007 and June 2017. A leak was identified after the customer queried the high bills with the company and this was repaired on 9 June 2017. After this date, the customer estimates that his annual usage will be around 180 cubic meters.
3. I am mindful that the leak was found within the customer's private pipework, after the water had travelled through the water meter. The customer is responsible for ensuring that his private pipework is maintained in a good condition. I also note that the customer is responsible for all usage recorded on a water meter. This will include water that is lost to a leak on the customer's private pipework.

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4. I am satisfied that this is reasonable as, whilst the customer may not have made use of the water lost to a leak, the company has incurred the costs of ensuring the water meets the necessary quality standards and is transported to the customer's property. It has no control over a customer's usage. It has therefore provided the full service of providing water to the customer's property, even though the customer has not knowingly made use of it.
5. I acknowledge the customer's submissions that the leak did not show at ground level; there were no puddles or other physical signs of the leak. It follows that the customer would only have been aware that there may have been a leak on the pipework through the bills being higher than anticipated.
6. In respect of the billing, I acknowledge that both the customer and the company will be privy to the amount of usage being recorded on the customer's account. However, I note that, whilst the customer may review their bills personally, the company is billing a high number of customers. It follows that the company must use automated systems in order to identify any uncharacteristic usage that is indicative of a leak.
7. The company has explained that, in order for an account to be flagged as having a possible leak, the recorded use must be at least 75% more than the estimated use based on previous meter readings. The evidence shows that the usage recorded on the meter increased year on year, however the step by which the recorded use increased was well below the 75% threshold. In view of this, I consider that the only way that the company could have determined that the usage was unusually high would be to compare it against an 'average' use case. However, the company has no knowledge of the customer's usage, outside of the use recorded on the water meter. I am not persuaded that the company could reasonably have been aware of a leak on the customer's private pipework, based on the billing amounts, before the customer himself identified that the billing was excessive.
8. The company has also explained that the leak was not identified on any leakage drives and could not have been identified by reference to the water used in the wider area. It has explained that the comparatively slow rate of the leak, being around 0.05 litres a second, combined with the distance of listening equipment from the leak, meant that it was extremely plausible that a leak investigation would not have identified that the customer's pipework was leaking. Similarly, the customer's property is not covered by a District Area Meter; however, the leak would not

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have been identified by such a meter based on the leakage amount compared to the number of properties included in the area.

9. In view of this, I am not persuaded that the company could reasonably have identified the leak on the customer's property before he queried the high bills. The leak was steadily increasing and did not suddenly materialise at a high flow rate and therefore did not trigger the company's reasonable monitoring systems.
10. The company promptly investigated and repaired the leak once the customer contacted it. The company then calculated a leakage allowance in accordance with its policy. The additional water use caused by the leak was removed back to 14 November 2016. I am satisfied that this is a reasonable policy as a customer will ordinarily be able to discover a leak from its first appearance on a bill as it will represent an increase in the water charges. Whilst I acknowledge that the nature of the leak in the customer's case, being one that steadily increased in volume, meant the customer was not able to identify a clear and sudden increase in charges, I am not persuaded that this is itself a reason for the company to be obliged to backdate the leakage allowance further.
11. I am satisfied that the customer was the party best placed to identify that there was a leak to his private supply pipe. I find that the company has correctly calculated the leakage allowance. I am not persuaded that any further refund or allowance is due to the customer. The customer's claim is therefore unable to succeed.

Outcome

The company 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 23 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.

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- 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 'AD', followed by a long horizontal line and a small flourish.

Alison Dablin, LLM, MSc, MCI Arb

Adjudicator

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