

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0795

Date of Decision: 27 July 2018

Complaint

The customer submits that there was a problem with the company's Online Account Management (OAM) so he requested that the company issue him with a physical bill. However, the company failed to do so and then issued him with a final demand for payment. He has not received a bill from the company since April 2017 but the company has sent him letters threatening "serious action". He has complained to the company on a number of occasions. However, the company has not resolved the issue. He has paid to avoid further action, but he would like £116.95 compensation.

Defence

The company submits that for each of the reminder letters sent, bills were sent first. All bills have been sent to the same address as the reminders. It has no control over correspondence not reaching its destination once it has left its offices. It has advised the customer that if he is experiencing issues with receiving his post, he should contact Royal Mail directly to investigate further. No offer of settlement was made.

Findings

The customer does not dispute that he received payment reminders from the company and that the address on the bills matches the address on the payment reminders. Having carefully considered the matter, I accept, on a balance of probabilities, the company's submissions that the customer's bills were correctly sent. There is no evidence to show that problems the customer is experiencing with receiving the company's correspondence is the company's fault. I therefore accept on a balance of probabilities that the company provided its services to the standard to be reasonably expected.

Outcome

The company does not need to take any further action.

The customer must reply by 24 August 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0795

Date of Decision: 27 July 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- He was registered for online billing. There was a problem with the company's Online Account Management (OAM) so he requested that the company issue him with a physical bill. However, the company failed to do so and issued him with a final demand for payment.
- He has not received a bill from the company since April 2017. He complained to the company on 29 September 2017, and again on 3 October 2017 and on 14 November 2017. However, the company insisted that he pay the outstanding amount and threatened "serious action" despite him not having received a bill. He has paid to avoid further action, but he would like compensation. The company has now closed his complaint without resolving it.
- The customer requests that the company provide him with accurate and timely bills. The customer also requests that the company pay him compensation for the last two bill payments in the sum total of £116.95: £52.53 for the demand for payment dated 8 November 2017 and £64.42 for the demand for payment dated 17 May 2018.

The company's response is that:

- On 7 April 2016 the customer registered for its OAM, which meant that he would no longer be sent a paper bill, and each time a bill was raised he would receive an email alerting him that his bill was ready to view online.
- On 27 September 2017 it raised a bill for the customer's metered charges between 6 April 2017 and 26 September 2017 for £52.53.

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- On 29 September 2017 it received an email from the customer requesting that it send a copy of his bill by post, as he was experiencing problems with OAM. Some of its customers were experiencing issues with the OAM, however its technical support team worked hard to get the issue resolved as quickly as possible.
- On 3 October 2017, as per the customer's request it sent a copy of his bill dated 27 September 2017 bill by post. It also sent an email confirming the same. The same day the customer emailed and requested that all future bills be sent by post. It emailed the customer on 7 October 2017 and confirmed that as requested all future bills would be sent by post. On 8 November 2017, a letter was sent to the customer to advise him that his payment of £52.53 had not been received. Payment was subsequently received on 15 November 2017.
- On 11 April 2018, it sent the customer a bill for £64.42 for his metered charges between 26 September 2017 and 10 April 2018. On 17 May 2018, a letter was sent to the customer to advise him that his payment of £64.42 had not been received. Payment was received on 6 June 2018.
- For each of the reminder letters sent, bills were sent first. All bills have been sent to the same address as the reminders. It has no control over correspondence not reaching its destination once it has left its offices. It has advised the customer that if he is experiencing issues with receiving his post, he should contact Royal Mail directly to investigate further.

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.

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How was this decision reached?

1. I must remind the parties that adjudication is an evidence-based process where the burden of proof rests on the claimant, in this case the customer, to prove his case on the balance of probability.
2. It is almost inevitable in such adjudications that conflicts of evidence arise, and the mere fact that the adjudicator finds in favour of one party on a particular issue does not mean that the other is telling an untruth. The adjudicator's role is to balance the evidence that is presented.
3. The company has submitted contemporaneous account notes in evidence. An excerpt of the company's account notes on 3 October 2017 supports its submission that in response to the email from the customer, it sent the customer a copy of his 27 September 2017 bill for the period between 6 April 2017 and 26 September 2017. The company also submits that it sent the customer his 26 September 2017 to 10 April 2018 bill on 11 April 2018. Copies of both bills have been submitted in evidence.
4. The customer does not dispute that he received payment reminders from the company and that the address on the bills matches the address on the payment reminders.
5. Having carefully considered the parties' submissions and all of the evidence submitted to support these submissions, in the absence of any substantive evidence showing otherwise, I am inclined to accept, on a balance of probabilities, the company's submissions that the customer's bills were correctly sent.
6. Although I appreciate that it is difficult for the customer to show otherwise, there is no evidence to show that problems the customer is experiencing with receiving the company's correspondence is due to a fault on the company's part. I therefore accept on a balance of probabilities that the company provided its services to the standard to be reasonably expected.
7. Consequently, in view of all of the above, I find that the customer's claim is unable to succeed.

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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 24 August 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.



Uju Obi LLB (Hons) MCI Arb
Adjudicator

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