

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0804

Date of Decision: 27 July 2018

#### Complaint

The customer indicates that she is displeased with the company billing her for her water services on an assessed volume basis. The company has advised her that she is being billed on assessed volume because there is no rateable value (RV) on record for her property nor does she have a water meter. Accordingly, the company has informed her that assessed volume is the only method of charging currently available to her. The customer asserts that her property should be on the RV band of 'A' (the lowest banding). The customer states that she should not be forced to install a water meter to reduce her charges and that the company should charge her by RV. The customer's only claim is for the company to charge her a similar amount as her neighbours, who are on RV.

#### Defence

The company states that the customer has been charged by assessed volume since her account was opened on 1 September 2017. The company states that, even prior to this, the customer's property had always been charged on assessed volume. The company explains that this is because there is no RV recorded for the customer's property and she does not have a water meter. Therefore, this is the only charging method currently available for the customer's property. The company acknowledges the customer's request for an RV to be assigned to her property. However, it has explained that the assignment of new RVs was discontinued in 1990 and therefore it can now only charge the customer by water meter or assessed volume. The company states that the customer could lower her service charges if she installed a water meter but she does not wish to do this. In any event, the company has stated that it is willing to consider charging the customer by RV if she can prove that an RV was ever recorded for her property. However, to date, the customer has not proven this. The company states that the customer has been correctly charged in accordance with its scheme of charges, which permits it to charge customers by assessed volume, and so is not obliged to provide the customer with the redress claimed.

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### Findings

It has not been established that the company failed to provide its services to the standard to be reasonably expected by the average person. The company has demonstrated that, in line with its scheme of charges, it is entitled to charge the customer for her services by assessed volume.

### 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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- The company acknowledges the customer's request for an RV to be assigned to her property. However, it has explained that the assignment of new RVs was discontinued in 1990 and therefore it can now only charge the customer by water meter or assessed volume.
- The company states that the customer could lower her service charges if she installed a water meter but she does not wish to do this.
- In any event, the company has stated that it is willing to consider charging the customer by RV if she can prove that an RV was ever recorded for her property. However, the customer has not proven this.
- The company states that the customer has been correctly charged in accordance with its scheme of charges which permits it to charge customers by assessed volume.
- In light of all the above, the company submits that it is not obliged to provide the customer with the redress being claimed.

### 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. The dispute lies with the customer's dissatisfaction with the company billing her for her water services on an assessed volume basis. The company has advised her that she is being billed on assessed volume because there is no rateable value on record for her property nor does she have a water meter. The customer states that she should not be forced to install a water meter to reduce her charges and that the company should charge her by RV. The customer asserts that her property should be on the RV band of 'A' (the lowest banding). The customer's only claim is for the company charge her a similar amount as her neighbours, who are on RV.
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 acknowledge the customer's assertion that her property's RV banding should be 'A' and that the company should charge her accordingly. However, upon careful review of all the evidence available to me at the time of adjudication, I do not find that the customer has submitted any objective evidence that proves her property has at any time had an RV banding assigned to it (Banding 'A' or otherwise). Accordingly, under the circumstances, I can only conclude that the customer's property has no RV assigned to it. Whilst I acknowledge the customer's assertion that the company should assign her to the same RV banding as her neighbours I am not satisfied that the company has the authority to execute this request. By way of explanation, I draw attention to the fact that RVs were assigned by the Valuation Office of the Inland Revenue until the practice was discontinued in 1990. Any property that was built after 1990 or, for whatever reason that had not been assigned an RV can only be assessed by water meter or assessed volume. Therefore, I find that it is not possible for the company to assign an RV as requested. As such, I do not find that the company's refusal to do so amounts to a failure to provide its services to the standard to be reasonably expected by the average person.
4. I note that the company has highlighted section 'B4: Assessed volume charges' of its scheme of charges that expressly states that the company will charge customers by assessed volume if their property does not have an assigned RV or a water meter. It has not been disputed that the customer does not have a water meter (and she has indicated she does not wish to have one installed). Furthermore, as detailed above, the customer's property has no assigned RV.

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Consequently, in light of the circumstances, I am not satisfied that the company charging the customer by assessed volume in accordance with its set scheme of charges amounts to a failure to provide its services to the standard to be reasonably expected by the average person.

5. 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. Therefore, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person by setting its own scheme of charges and charging the customer accordingly.
6. Having reviewed the communications between the parties in relation to this issue, I am satisfied that the company provided appropriate responses and explanations to the customer and maintained its position that it is correctly charging the customer by assessed volume in accordance with its set scheme of charges. During the course of its communications with the customer, I note the company also explained that assignment of new RVs to properties was discontinued in 1990. Similarly, I note the company advised that the customer's charges could be less if she opted to install a water meter. In any event, I note that the company has indicated that if the customer can provide evidence that there is a RV recorded against her property, it is willing to re-examine the matter. At the time of this adjudication, I find that no such evidence has been provided. In light of all the above, I do not find that the company's actions amount to a failure to provide its services to the standard to be reasonably expected by the average person.
7. Following a full review of all the evidence available to me, I am not satisfied that the company's actions amount to a failure to provide its services to the standard to be reasonably expected by the average person. 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.

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## **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.



**E. Higashi** LLB (Hons), PGDip (LPC), MCI Arb.

**Adjudicator**

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