

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1104

Date of Decision: 19 December 2018

Complaint

The customer submits that the company's works to the mains water supply in his area have resulted in damage to his boiler. He wants the company to clean and service his boiler; replace all parts; provide an apology; and do something about his bill. If necessary, the company should replace his boiler at a cost of £5500.00. It should also pay him £2500.00 for stress and pay his bills. He also claims interest.

Defence

The company denies it is at fault. It states its engineer found no damage to the customer's boiler and no other customers have complained.

Findings

The customer has not proven any failing by the company.

Outcome

The company does not need to take any further action.

The customer must reply by 22 January 2019 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.

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1104

Date of Decision: 19 December 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- He experienced problems with his hot water supply immediately after the company carried out works near his property.
- He engaged an engineer who advised his boiler was functioning correctly but the water pressure was lower than previously. It was also suggested the company's flushing of pipes had caused dirt to enter the boiler.
- He complained to the company but it refused to accept responsibility.
- He wants the company to clean and service his boiler; replace all parts; provide an apology; and do something about his bill.
- If necessary, the company should replace his boiler at a cost of £5500.00. It should also pay him £2500.00 for stress and pay his bills. He claims interest too.
- In his comments on the company's defence, he asserts the water pressure was lower before the company carried out works but the company has no record of the previous water pressure. His neighbours have also experienced problems but they will not complain.

The company's response is that:

- On 28 November 2017 the customer reported low water pressure. The company sent an engineer to visit his property and found pressure levels were normal.

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- On 30 January 2018 the customer reported to the company that his own engineer advised the problem with his boiler was due to the company altering the water pressure. The company's engineer attended his property and found pressure levels were normal. A further visit was carried out on 22 February 2018 with the same findings.
- On 9 March 2018 a senior technician and plumber visited the customer to inspect his boiler and found no problems.
- The company then spoke directly with the customer's engineer. The engineer confirmed the boiler had no issues, that the pressure must be different but, as it was above the minimum standard there was nothing else he could suggest.
- The company last carried out significant works in the customer's area on 26 September 2017. No other customers in the area have complained of low water pressure or damage to private pipework. There is no evidence the company is at fault.

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.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

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 did not experience any problems with his boiler or water supply until November 2017. His engineer then told him that the problems were due to a change in water pressure

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and/or dirt entering the system through back flushing. The customer was aware the company had carried out works in his area and believed this was the cause.

2. Neither the customer nor the company is able to say what the water pressure was prior to November 2017. However, the company took readings following the customer's complaint and found the water pressure was normal and above the minimum standard.
3. The company says it last carried out works in the customer's area in September 2017 and the customer did not make any complaint until November 2017. However, the customer says he complained immediately after works were carried out. I am mindful that there is no evidence to show the company carried out works in the customer's area at the time he started to experience problems. Similarly, there is no evidence that the company took any action that caused the customer's water pressure to decrease or, that resulted in dirt or sediment entering the customer's boiler.
4. While I appreciate the customer is unhappy with the checks carried out by the company's engineer, he has not provided any evidence or report to the contrary from his own engineer.
5. I have to weigh up and consider the evidence provided by the customer and the company. In order to find the company at fault I have to find the strength of the customer's arguments and evidence outweigh the company's own.
6. It is clear the customer has experienced problems with his hot water supply but I cannot say why this is. I understand why the customer believes the company is at fault but, there is no evidence that proves the company is indeed at fault. Therefore, I am unable to find the company has failed to provide its services to the standard to be reasonably expected. And so, the customer's claim is unable to succeed.

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 22 January 2019 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.
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Justine Mensa-Bonsu, LLB (Hons), PGDL (BVC)

Adjudicator

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