

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1127

Date of Decision: 13 February 2019

Complaint

The customer submits the company was wrong to chase him for a debt after he had obtained a debt relief order. And, it refused to apply a single person tariff when it found his property was unmeterable. He wants the company to accept the debt relief order and waive his debt; accept it cannot fit a water meter and apply a single person tariff; and pay him compensation of £2500.00.

Defence

The company denies liability. It says it waived the debt once it confirmed the debt relief order was applicable. And, it applied the assessed household charge once it confirmed it could not fit a water meter. It says it was unable to take these actions earlier.

Findings

The customer has not proven the company chased him for a debt in error or that it failed to apply the correct charges.

Outcome

The company does not need to take any further action.

The customer must reply by 13 March 2019 to accept or reject this decision.

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Date of Decision: 13 February 2019

Party Details

Customers: []

Company: []

Case Outline

The customer's complaint is that:

- He obtained a debt relief order that meant he did not have to pay debts owed to the company, but despite this the company kept demanding payment.
- In May 2018 he requested a water meter. An engineer told him his property was unmeterable and he should pay a cheaper rate. However, the company then refused to install a water meter, claiming there was a leak, which he disputes.
- He complained to CCWater. An engineer then attended his property again and said he could not fit a meter. Despite this, the company still refused to lower his charges.
- He wants the company to accept the debt relief order and waive his debt. He also wants the company to accept it cannot fit a water meter and put him on a single person tariff. Further, he wants £2500.00 for stress and inconvenience.

The company's response is that:

- The customer applied for a water meter on 20 April 2018. Its engineer attended and found a leak on the internal stop valve. It asked the customer to fix this leak so that it could fit a meter. The customer did not tell it the leak was fixed until 5 September 2018. Its engineer then visited the property again; however, he found the property was unmeterable. The company then applied the assessed household charge i.e. a charge based on the number of residents, from 20 April 2018.

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- The customer did not provide it with a copy of the debt relief order until 2 October 2018. Upon review it found it was not named on the order and it required further information from the customer to show the order applied to it. The customer did not provide further information. However, it has since made enquiries and confirmed the order applies. It has therefore waived the relevant debt in accordance with the order.
- It denies the customer's claim and denies liability to pay compensation.

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 submits the company continued to harass him to pay a debt after he had obtained a debt relief order.
2. By email of July 2018, the customer told the company he had obtained a debt relief order in May 2018 and therefore it should stop debt collection action. The company then emailed the customer to ask for further details of this order; however the customer did not receive this email.
3. Having reviewed the documents provided I accept the company was not provided with a copy of the debt relief order until 2 October 2018.

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4. If a company is named in a debt relief order it should waive the applicable debt. However, the company has provided a copy of the order to show it names a third party debt collector. It has also provided evidence it asked the customer for further information to demonstrate the order applied to the company, but the customer did not provide this. In the absence of confirmation that the debt relief order applied, I consider the company did not have to stop debt collection action.
5. The company has since made further enquiries and confirmed the debt relief order applies. It has therefore waived the customer's debt and ceased debt collection action. I consider the company has acted reasonably in doing so.
6. The customer was understandably upset and distressed by the debt collection action; however, I find it was not unreasonable for the company to pursue the debt while it had no clear evidence that the debt relief order applied.
7. The customer submits the company failed to apply the single person tariff once it found it could not fit a water meter in his property.
8. I note that standard water charges are based on the rateable value of a property. If a person has a water meter fitted, they will only pay for the water used, which may be less than the standard charge. If a person asks for a meter but the water company cannot fit one, due to impracticality or expense, the company should offer an assessed charge, which is based on the number of people living in the property.
9. The company has provided records of engineer visits to the customer's property. These show it investigated whether it could fit a water meter but found a leak on the internal stop valve. It therefore asked the customer to fix the leak before it could fit a meter. On 5 September 2018 the customer told the company the leak was fixed and the company visited again on 8 October 2018. The company then found the property was unmeterable. It therefore applied the assessed household charge from the date the customer first asked for a water meter. I consider the company acted reasonably in doing so.
10. The customer says the engineer found his property was unmeterable on the first visit, but the engineer's notes of the visit do not support this. I appreciate the customer was frustrated due to

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the delay in confirming his property was unmeasurable; however I do not find any failing by the company. Further, I am satisfied the company has now applied assessed household charges correctly, backdated to the date he first applied for a meter.

11. I am satisfied the company provided its services to the standard to be reasonably expected. Therefore, I find the customer's claim is 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 13 March 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.



Justine Mensa-Bonsu, LLB (Hons), PGDL (BVC)

Adjudicator

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