

The WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1200

Date of Decision: 26th February 2019

Complaint

The customer states that the company's poor reply to her complaint about low water pressure at her property caused her to undertake the installation of new pipework and incur costs that were unnecessary. The customer states that the fault lay with an old meter on her property and that this should have been investigated as soon as she made the complaint.

The customer seeks £1,800.00 in compensation.

Defence

The company states that it is not responsible for private pipework on a customer's property. It states that at no time did it recommend that the pipes should be replaced to fix the low water pressure. It states that it has made a payment of £100.00 to acknowledge the mistake it made when it said the fault lay with the customer's builders on the 2nd October 2018.

The company has not made any offer of settlement to the customer.

Findings

The customer has not shown that the company has failed to meet the standard to be reasonably expected in its actions. The company acted in accordance with its Terms and Conditions under which the Building Survey was undertaken.

Outcome

The company does not need to take any further action.

The customer must reply by 26th March 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1200

Date of Decision: 26th February 2019

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer states that she had a low water pressure problem at her property, [], in September 2018.
- She states that she complained to the company about the problem and that the company stated that it was the fault of builders at her property.
- The customer states that the company would not send out an engineer early enough.
- The customer states that the builders replaced piping to try and fix the problem and that this cost her money.
- She states that the builders could not resolve the issue, as it was not their fault.
- She states that when the company finally investigated it found that there was an old water meter that needed to be removed.
- The customer states that when she arranged a plumber to remove the old meter the water pressure returned to normal.
- The customer states that this has caused her unnecessary financial loss and also stress and inconvenience.
- The customer believes that if the company had investigated earlier she would not have been put to so much cost and inconvenience
- She seeks compensation of £1,850.

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The company's response is that:

- The company states that it did not refuse to send out an engineer to the customer but was following procedure.
- It states that it did refer her back to her builders on the 2nd October 2018 and that it has made a payment of £100.00 in recognition of this error.
- The company states that at no time did it advise the customer to replace her internal pipework and that all such pipework is the responsibility of the customer.
- The company states that it was called out to fix a leak on the 3rd October 2018 and that the engineer identified the old meter on this occasion.
- The company states that it is prepared to cover the cost of the removal of the old meter, but not the new pipework for which the customer is claiming.
- The company states that it did carry out investigations as a result of the customer's claim and that the water pressure was normal in the area.

The customer's comments on the company's response:

- The customer states that the company repeatedly blamed the builders and the builders had no choice but to try and fix the 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.

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.

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How was this decision reached?

1. The central issue of this claim is whether or not the company acted appropriately when the problem of the low water pressure was complained of by the customer. Secondly, did the company's actions cause the loss complained of by the customer, that is, did the company cause the customer to install and pay for new pipework to her property? In looking at this I shall be considering issues of legislation and guidance. It is only after considering these points that consideration of appropriate compensation can be addressed.
2. The customer states that she complained of low water pressure on Friday 28th September 2018. The company states that on that day it checked its records and found no other reported faults in the area. The customer's application supports this, but she adds that the company stated that it was "*more than likely the builders' fault*". The company states in its defence that the customer told it of the building work at her property and that she would contact the builder.
3. I note that there is different emphasis put on the builders' possible involvement by the two parties. However, it is common case that there were builders on the property at the date of the first complaint. I do not consider it unreasonable to assume, at the time, that this building work may have affected the water pressure, especially as there were no other complaints of low pressure in the area.
4. The customer states that her builders decided to replace the pipework. The company states that at no time did it suggest to the customer that she should replace pipework. I note that the customer called the company on the 1st October 2018 to state that the pipework had been replaced, but that there was no improvement in the water pressure. I am conscious that there were only 3 days between the first call on the 28th September 2018 and this call on the 1st October 2018, during which time the pipework was already changed. There is no information from the customer as to where the advice had come from that the pipes needed changing. It appears to have been a decision made by the builders on site at the customer's property. On the evidence presented, I do not find that the actions of the company had caused the work undertaken on the pipes.

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5. On the 2nd October 2018 the customer states that she was told that the water pressure was not a problem elsewhere. The company accepts that it told the customer that the low pressure was the fault of the builders at this point. There is supporting evidence of this in the notes presented by the company in evidence at Page 6. The company states that it has made a payment of £100.00 to the customer in recognition of this mistake. The customer has not challenged this in her response.
6. The customer states that on the 3rd October 2018 the company attended to fix a stop tap and a leak. It was on this occasion that the customer states the true cause of the low pressure was discovered to be an old meter. The history given by the company is in agreement with the general facts of the 3rd October 2018. I note that the customer arranged for a plumber to remove the old meter and that this did resolve the low pressure problem.
7. I take into account that the company did assume that the builders were at fault on the 2nd October 2018. However, the work to replace the pipes had already taken place at this point. It was on the 3rd October that the real cause of the fault was discovered to be the old meter. I have no evidence before me that the company caused the decision to be made to alter the pipework before the 1st October 2018.
8. The customer has not referred me to any legislative or regulatory basis for her claim. I have looked carefully at these matters and cannot see that there is any such supporting legal or regulatory matters that assist the customer.
9. I note that the company states that it has offered to pay for the removal of the old meter subject to the customer producing evidence of the cost, but that no such evidence has been forthcoming. The customer has not addressed this in her reply.
10. In its defence the company has stated that it is *“responsible for the water mains and services in the highway, up to and including the external stop tap.”* The company relies also on the guidance OFWAT has produced on this point. The customer has not challenged this assertion. I have considered the legislation and guidance around this issue and find that the company is correct in its interpretation.
11. The customer has outlined the inconvenience caused to her and her family whilst the issues regarding the water pressure were ongoing. I accept her evidence on these points, as it is

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indeed very difficult to maintain a normal day to day life with such a problem affecting the water supply.

12. I also note that the time between the first complaint on the 28th September 2018 and the resolution of the problem on the 3rd October 2018, is relatively short. Whilst it was not an insignificant amount of time, I find that this was not an unreasonable time span for the company to have resolved the complaint.
13. I appreciate that the customer is upset and that she has suffered inconvenience due to the water pressure problem, nonetheless, I do not find that she has shown any fault on the part of the company which causes me to attach any liability to its actions.
14. On balance, I do not find that the customer has shown that the company has failed to provide its services to a standard to be reasonably expected by the average person. Therefore, I do not find that this claim succeeds.

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 26th 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.

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A handwritten signature in cursive script, reading "J J Higgins", on a light green rectangular background.

J J Higgins, Barrister, ACI Arb.

Adjudicator

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