



# **WATRS**

## **Water Redress Scheme**

### **ADJUDICATOR'S DECISION SUMMARY**

**Adjudication Reference: WAT/ /1282**

**Date of Decision: 3 July 2019**

#### **Complaint**

The customer submits the company failed to rectify problems with her sewer for three years, during which time she suffered from sewage smells. She claims for the company to waive any outstanding bills and pay compensation to her and a vulnerable adult that lives with her.

#### **Defence**

The company submits the customer reported odours from her sewer on three occasions in 2016, 2017 and 2018 that it resolved. It has offered £500.00 as a goodwill gesture for the service issues experienced, which it considers fair and reasonable. The customer has declined this offer.

#### **Findings**

The customer has proven the company failed to provide its services to the standard to be reasonably expected.

#### **Outcome**

The company should pay the customer compensation in the sum of £750.00.

The customer must reply by 31 July 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/ /1282

Date of Decision: 3 July 2019

## Party Details

**Customer:** [ ]

**Company:** [ ]

## Case Outline

**The customer's complaint is that:**

- She has complained to the company over the last three years about smells of sewage emanating from a sewer pipe under her property.
- The odours have particularly affected a housebound adult at the property who has suffered from headaches and dizziness coinciding with the presence of the smells.
- After many complaints and disruption the company finally fixed the sewer on 11 December 2018. The company offered £500.00 in recognition of poor customer service and distress. However, she feels this is inadequate given it has taken three years for the company to resolve the issue.
- She claims for the company to waive any outstanding bills and pay compensation that reflects the three years' inconvenience to her and a vulnerable adult.
- In her comments she reiterates her claim. She also adds that each time contractors visited she had to explain the issue all over again.

**The company's response is that:**

- The customer contacted it in October 2016 and November 2017 to report smells coming from the sewer that were affecting her home. It attended promptly to each report and carried out remedial works to the sewer and manhole chamber on each occasion.

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- A further report of sewer smells was received on 25 September 2018 and it again arranged for a crew to attend. It carried out further work on 10 and 22 October 2018.
- The customer reported sewage smells again. It carried out work on the 1 and 27 November 2018. It completed further work on 12 December 2018. The customer was then satisfied the smells had gone.
- It is usual practice to call on a customer when a crew attends and it was unaware the customer did not want to be disturbed. However, once this was brought to its attention it ensured crew did not call on the customer.
- The customer's outstanding balance on the account is £607.44. It has accepted some service failures and offered £500.00 as a gesture of goodwill. It considers this amount is fair and reasonable.

### **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. It is not in dispute that one of company's assets caused unpleasant odours to escape, affecting the customer and a young adult in her property. It is also not in dispute that the company provided a poor level of customer service. Although the company has not specified what this was, I note the customer had complained its contractors were aggressive and repeatedly called

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at her door despite signage warning not to. I therefore find the company failed to provide its services to the standard to be reasonably expected.

2. The company has offered the customer £500.00 as a goodwill gesture for the accepted failings, but the customer feels this is inadequate for a problem that has been ongoing for three years.
3. The company has provided copies of its records that evidence the work carried out to a sewer pipe at the customer's property. Although there have been issues with the customer's sewer on three occasions, these appear to be three distinct and separate issues that resulted in a foul smell, rather than a continuous problem. This is supported by the lack of continued complaints from the customer between each reported issue.
4. Nonetheless I accept the customer has experienced stress and inconvenience due to the sewage smells, work visits to her property and through having to raise complaints to the company. She has been further upset by the behaviour of workmen. The customer says an adult at the property has also been affected; however, I can only consider the claim by the customer, brought on her own behalf. I cannot consider a claim on behalf of any third person who is not a party to this adjudication.
5. Taking into account the customer has experienced issues over a total of five months and that she has had significant contact with the company over this period, I consider £750.00 is appropriate compensation for the stress and inconvenience caused to her. I therefore find the customer's claim succeeds in part.
6. I note the customer seeks a large sum is awarded to "send a strong message" but it is not within my remit to award punitive damages.
7. I also note I must disregard any new complaints made in the customer's comments on the company's defence, in accordance with the WATRS scheme rules.

#### Outcome

The company should pay the customer compensation in the sum of £750.00.

## What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 31 July 2019 to accept or reject this decision.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.



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

**Adjudicator**