

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1337

Date of Decision: 15 July 2019

Complaint

The customer submits the company incorrectly approved her drainage system in 2011 and failed to warn her of any error in the sewer connection. She therefore claims for the company to reimburse the £5000 she has since spent rectifying the error.

Defence

The company denies it approved the customer's drainage system or had any responsibility for the incorrect sewer connection on her property. It denies the claim.

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 12 August 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.

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Date of Decision: 15 July 2019

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- In 2011 she applied to connect her sewer to the public sewer.
- The company approved her drainage system and building control signed it off.
- In 2018 the company told her the sewer was illegally connected. She then paid £5000 to rectify this.
- She claims for the company to reimburse her £5000 as it failed to tell her there was a problem in 2011.
- She has not commented on the company's response.

The company's response is that:

- The customer applied for a new water connection in 2011. There was no request for a sewer application or connection approval.
- It did not carry out any works which resulted in the foul water being connected to surface water pipework in error. And it did not undertake any sewer connection inspection.
- The customer's contractor failed to connect her foul drain to the public sewer and made an illegal connection. When it discovered this it asked the customer to rectify it.
- It denies the claim.

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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 has provided a copy of an application form titled "water supply connections", completed in 2011. This shows she seeks a new water supply connection. There is a section in the form for applicants to provide information about their proposals for sewerage. Applicants are asked where their foul water drains to, if they will be separately applying for a sewer connection and, if not, how they intend to drain foul water. In response to these last two questions the customer has written "not known".
2. In view of the application form I consider the company was aware the customer wanted a new water connection and that she did not know how she planned to drain foul water. The customer did not ask the company for a sewer connection or ask it to provide her with any information about this.
3. I appreciate the customer did not know if her property had or needed a sewer connection. However, it was the customer's responsibility to ask the company for a connection.

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4. The company says it only approved the new water connection. And, there is no evidence to support the customer's claim that it inspected or approved her drainage system.
5. In 2018 the company found the customer's foul drainage was connected to an unmapped storm system, not the public foul sewer. This resulted in environmental harm and so the company requested the customer take action to rectify this.
6. The customer has not proven the company approved her drainage system or should have known of any problem in 2011. I therefore find no evidence of any failing by the company and 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 12 August 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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