

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1363

Date of Decision: 7 May 2019

#### Complaint

The customer states that the water pressure at his property is too low. The company has investigated this issue and confirmed that the water pressure it provides has always been above the required regulatory standard. The company has advised that the low pressure being experienced by the customer is due to private internal water pipe work (for which it is not responsible). The customer remains displeased with his water pressure and is now claiming for the company to increase his water pressure to 1 bar at his kitchen tap or water tank.

#### Defence

The company has investigated the customer's issue and confirmed that it has always provided water pressure above the required regulatory standard. The company explains that the low water pressure at the customer's property is due to private water pipes and it is not responsible for this. However, it has assisted the customer to the best of its ability by suggesting various options to tackle this problem. Consequently, the company does not accept that it is liable to provide the customer with the redress claimed.

#### Findings

I am not satisfied that the company failed to provide its services to the standard to be reasonably expected by the average person. I find that the evidence available shows that the company has provided water pressure above the required regulatory standard. Furthermore, I am satisfied that the company has taken fair and reasonable action to investigate (and provide responses to) the customer's concerns. Therefore, the customer's claims for redress do not succeed.

#### Outcome

The company does not need to take any further action. The customer is not obliged to accept this decision and is free to continue pursuing their complaint through all other resolution avenues as available to them.

The customer must reply by 5 June 2019 to accept or reject this decision.

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# ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1363

Date of Decision: 7 May 2019

## Party Details

Customer: [ ].

Company: [ ].

## Case Outline

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

- The water pressure at his property is too low.
- The customer has complained to the company believing that this issue is its fault.
- The company investigated this matter and confirmed that the water pressure it provides (from its assets) has always been above the required regulatory standard.
- The company therefore advised that the low pressure being experienced by the customer must be due to private water pipe work (for which it is not responsible).
- The customer referred the issue to CCWater and it concluded that the company had met its regulatory obligations and that it was not responsible for any pressure issues caused by private water pipes. The customer is displeased with this situation.
- Therefore, the customer's claim is for the company to increase his water pressure to 1 bar at his kitchen tap or water tank.

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

- The company does not accept any liability to the customer.
- It explains that water companies are required to provide a regulatory minimum water pressure of 0.7 bar. The company has already confirmed (during a visit in July 2018) that it is supplying water pressure at the OSV (Outside Supply Valve) of 1.8 bar. Therefore, it is exceeding its regulatory requirements.
- The company explains that it is likely the private internal water pipes serving the customer's property are the cause of the low pressure that he experiences. The company is only responsible for its own assets and therefore the customer would need to address this issue himself.
- Consequently, the company does not accept that it is liable to provide the customer with the redress claimed.

### **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?**

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1. The customer is unhappy that the water pressure at his property is low. The company has investigated this issue and confirmed that the water pressure it provides has always been above the required regulatory standard. The company explains that it is likely that the private internal water pipes serving the customer's property are the cause of the low pressure that he experiences. The company is only responsible for its own assets and therefore the customer would need to address this issue himself. The customer referred the issue to CCWater and it concluded that the company had met its regulatory obligations and that it was not responsible for any pressure issues caused by private water pipes. The customer is displeased with this situation. Therefore, the customer's claim is for the company to increase his water pressure to 1 bar at his kitchen tap or water tank.
2. I remind the parties that adjudication is an evidence-based process and in order for any remedy to be awarded, the evidence must show that the company has not provided its services to the standard that would reasonably be expected of it.
3. To avoid any confusion, I must make it clear that I am unable to commission any new investigations into the customer's allegations of low water pressure at his property. This would be beyond the scope of this scheme. Furthermore, I should make it clear that I am not a water services engineer or technical expert and cannot make any independent determinations/recommendations regarding any water engineering solutions proposed by the parties. However, I am able to review the evidence and submissions provided by the respective parties and make determinations accordingly. I will proceed accordingly.
4. I find that, in accordance with the *Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008*, water companies are required to maintain a minimum water pressure in their communication pipe of seven metres static head (0.7 bar of pressure).
5. Following a review of all the evidence available to me at the time of adjudication (with particular attention paid to the company's investigation reports and customer account notes), I do not find that the company has provided a water pressure falling below the required minimum of 0.7 bar from its assets. I am able to make this conclusion because the water pressure recorded at the OSV serving the customer was recorded as 1.8 bar. Accordingly, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the

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average person with respect to its provision of water pressure to the customer's area from its assets.

6. I understand the customer's main concern is that the water pressure within his property is low. However, it may be helpful if I explain that the company (in accordance with the *Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008*) is only obliged to maintain a minimum water pressure of seven metres static head (0.7 bar of pressure) in its communication pipe (the company's main water pipe that feeds into its customers' private pipes). The company is not under any obligation to maintain all of its customers' private internal pipework to ensure their properties are receiving their desired water pressure level. Therefore, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person in relation to this matter.
  
7. I now turn to a review of the company's actions in response to the customer's concerns. Based on the evidence provided, I am satisfied that the company acknowledged the customer's concerns relating to low water pressure in his property and appropriately investigated the issue. The company has shown that it was exceeding its obligations to provide a minimum water pressure of 0.7 bar. I also note the company has explained to the customer that it is correctly meeting its obligations regarding water pressure and has advised that the cause of the low pressure at the customer's property is likely due to private pipework (for which the company is not responsible). Nevertheless, in order to assist the customer, I note that the company checked for any possible leaks, utilised loggers to record water pressure and (after discovering that the cause of the low water pressure was outside of its responsibility) it suggested various options for the customer to address the low water pressure issue in his property (such as using tanks and boosters). Under the circumstances, I am satisfied that the company explored possible solutions with the customer and provided forthright and detailed explanations where these solutions were not possible and/or practical. Taking into account all of the above, I am satisfied that the company's actions in response to the customer's concerns have been fair, reasonable and proportionate. Therefore, I am not satisfied that the company failed to provide its services to the standard to be reasonably expected by the average person with respect to its actions in response to the customer's concerns. I am mindful that this conclusion is also in line with the final outcome of CCWater's investigation.
  
8. Following careful review of all the submissions provided, I am not satisfied that any failures have been established on the part of the company to provide its services to the standard to be

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reasonably expected by the average person. Consequently, in the absence of any failures on the part of the company, the customer's claims do not succeed.

#### **Outcome**

The company does not need to take any further action. The customer is not obliged to accept this decision and is free to continue pursuing their complaint through all other resolution avenues as available to them.

#### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 5 June 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.



**E. Higashi** LLB (Hons), PGDip (LPC), MCI Arb.

**Adjudicator**

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