

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1396

Date of Decision: 9 May 2019

Complaint

The customer submits the company failed to install a water meter upon his request and overcharged him for many years. He claims compensation of up to £5000.00 plus interest.

Defence

The company denies liability. It asserts the customer did not request a water meter until 2018 at which time it fitted one. It submits it previously charged the customer correctly, based on the rateable value of his property.

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 7 June 2019 to accept or reject this decision.

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Date of Decision: 9 May 2019

Party Details

Customers: []

Company: []

Case Outline

The customer's complaint is that:

- Most two person households in his area pay £24.00 to £30.00 per month for water (based on metered charges).
- However, the company has charged him £77.00 to £83.00 per month for the past ten years. This is despite his asking for a water meter on many occasions.
- He only has bank statements for the last seven years and so he seeks compensation for overcharges of £4000.00 to £5000.00 plus interest.
- He has not provided any comments on the company's defence.

The company's response is that:

- It charged the customer based on the rateable value of his property.
- It provided information about water metering alongside the customer's bills.
- In 2016 the customer asked the company whether he should fit a water meter. It discussed his water usage with him and based on the information provided advised he would not be better off on metered charges. The customer then decided not to have a water meter fitted.
- In 2018 the customer applied for a water meter and it fitted this in October 2018. Based on the customer's usage so far it expects him to pay approximately £530.00 over the year compared to the rateable value cost of £670.00. However, it expects the customer's metered usage to increase in the summer months and so the actual figure may be higher.
- It denies it has overcharged the customer and it disputes 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 company can charge customers based on the rateable value of their property unless they request a water meter.
2. The company submits it provides information about water metering alongside customers' bills. It has provided a copy of a bill issued to the customer in 2016 that sets out the potential benefits of installing a water meter. In light of this evidence, I am satisfied the company made reasonable efforts to ensure the customer was aware he could request a water meter.
3. Although the customer says he requested a water meter on many occasions the company has provided its records of the customer's account that show otherwise. The company's records do not show any request for a water meter except for the discussion in 2016.
4. The company has provided a transcript of its phone call with the customer in 2016. This shows the parties discussed the customer's water usage and whether he would save money with a water meter. Based on the information provided by the customer the company advised he would pay

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more with a water meter. I consider the company advised the customer correctly based on the information available to it at the time. I therefore find the company provided its services to the standard to be reasonably expected.

5. There is no evidence to show the customer decided to have a meter fitted in 2016, rather the company's call records shows he decided to remain paying for his water supply based on the rateable value of his property.
6. It is not in dispute that the customer requested a water meter in 2018 and the company has since fitted one and charged him accordingly.
7. I am satisfied the company was entitled to charge the customer based on the rateable value of his property until he requested a water meter in 2018. I do not accept the company overcharged the customer and I find it provided its services to the standard to be reasonably expected. Consequently, 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 7 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.

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

Adjudicator

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