

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1406

Date of Decision: 4 June 2019

Complaint

The customer submits that the wholesaler failed to properly maintain its sewer resulting in flooding to his business. He claims for an apology, £1600.00 to cover solicitor's costs and £1104.00, which was previously offered by the wholesaler.

Defence

The wholesaler has submitted a defence of its own position. It has not commented on the company's liability.

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 2 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/ /1406

Date of Decision: 4 June 2019

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The wholesaler, RST Water, failed to maintain its sewer properly resulting in flooding to his business.
- The wholesaler failed to respond to his complaints until he engaged a solicitor and threatened court action.
- He is unhappy with the compensation offered by the wholesaler.
- He claims an apology, £1600.00 to cover solicitor's costs and £1104.00 as previously offered.
- The customer has commented on the wholesaler's defence.

The company's response is that:

- The wholesaler has prepared a defence of its own position; it has not commented on the company's liability.
- I have not summarised the wholesaler's submissions because it is not a party to this adjudication.

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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. Since the water market in England opened up to retailers in April 2017, all non-household customers have been moved to a wholesale/retail split service. As a result, a non-household customer now only has a relationship with the retailer. In turn, an adjudicator operating under the Water Redress Scheme may only make findings related to those things for which the retailer, as the party to the case, has responsibility, and not those things for which the wholesaler has responsibility.
2. The company's response has been prepared by the wholesaler and it is written from the wholesaler's perspective. However, the wholesaler is not a party to this adjudication.
3. I acknowledge the customer has made allegations against the wholesaler. However, I cannot comment upon or make any findings on the actions of the wholesaler.
4. I can only consider how effectively the company operated as an intermediary between the wholesaler and the customer.

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5. Having reviewed the documents provided, I note the company was first contacted by CCWater on 26 November 2018. It promptly contacted the wholesaler and asked it to respond to the customer's complaint. It then relayed the response back to the customer.
6. The customer provided the company with further details of the costs he incurred, which it passed onto the wholesaler for its own review. The company then informed the customer of the wholesaler's final response.
7. The customer has not alleged any failings by the company. And, having considered the documents provided, I find no evidence it failed to provide its services to the standard to be reasonably expected. Therefore, the customer's claim against the company 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 2 July 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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