

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1543

Date of Decision: 15 August 2019

Complaint

The customer states that he has been added as a customer to an account at the address [] ("the Property"). He states that he is not the account holder and that the company had no authority to add his name to this account. He states that the company has listed him as a defaulter as a result and that he has had his credit card limit reduced. He claims that the company has breached its legal rights and that the company has used his data illegally.

He seeks a direction that his name is removed from the water bill and that the default is removed from his credit account. He seeks an apology from the company.

Defence

The customer is in residence at that Property and therefore the company has legislative rights in relation to billing him as an occupier under The Water Industry Act 2014 ("WIA").

No offer of settlement has been made.

Findings

The company has acted in accordance with its legal rights and obligations in adding the customer to the billing.

Outcome

The company does not need to take any further action.

The customer must reply by 12 September 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/ /1543

Date of Decision: 15 August 2019

Party Details

Customer: [].

Company: [].

Case Outline

The customer's complaint is that:

- The customer states that he contacted the company on the 26th January 2018 to act on behalf of his partner who is suffering from disability and illness.
- He states that he only gave his details in order to be able to deal with the account at the Property on his partner's behalf.
- He states that he has no financial links with his partner.
- He claims that the company added him to the water account without his authority.
- He claims that the company has sent default letters to him and that he has had a negative mark put against his credit reference account for non-payment.
- He claims that this has badly affected his credit score and as a result the bank reduced his credit card limit.
- The customer states that the company has treated his partner badly and that she is a vulnerable person.
- The customer seeks a direction that his name is removed from the water bill and that the default is removed from his credit account. He seeks an apology from the company.

The company's response is that:

- The company states that the customer lives at the property.
- It states that it has rights and obligations under the WIA.

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.

- It states that S.144 of the WIA entitles service providers to register any resident at a property which it supplies with water service.
- It states that the customer is an occupier of the property.
- It states that it has acted appropriately and according to legal regulations regarding the customer's data.
- It states that the bills are correctly charged.
- It states that if the customer shows evidence that he is not an occupier of the Property his name will be removed from the account.
- It declines to make any offer and does not accept that the remedy sought is justified.

In comments in reply the customer states:

- That he is not a customer.
- That he disputes the defence presented.
- That the company has not presented a good defence.

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?

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.

1. Adjudication is an evidence-based process and it is for the customer to prove that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. I must emphasise that this decision is based solely on the evidence produced before me by the parties.
3. The customer's claim relates in part to his Credit Reference File and the company's treatment of his data. The Information Commissioner's Office (ICO) is the forum which deals with these types of matters. It would not be appropriate for me to make findings on these issues which are in the jurisdiction of the ICO. The customer's claim also deals with the issue of whether or not he should have been added to the account as a customer. I shall deal with this aspect of the claim in my decision and any customer service issues.
4. The basis of this application rests on the assertion of the customer that the company should not have added him as a customer after he called in January 2018 to deal with his partners affairs.
5. The company states that it relies on the WIA s.144 which it argues allows it to hold all occupiers of a property jointly and severally liable for the water charges.
6. The customer has not disputed living at the Property and does not make his case on that basis.
7. I have considered the legislation put forward by the company in its defence and do not find that it is wrong in its interpretation of the WIA. That is, the company has the legal right to include any or all occupiers of the Property on the water charges account.
8. The customer states that the company has treated his partner, who was always the account holder, poorly and made worse her illness. He states that the company has not taken into account her disability. I must take into account that the application is not taken by the customer's partner and she is a Third Party to this case. In relation to the allegations made against the company, I do not find that there is any supporting evidence. This is not to dispute the feelings of the customer and this partner but I can only make my decision in relation to parties to the case and based on evidence that has been submitted.
9. The customer is aggrieved that he has been held liable for water charges. I note from the evidence that he has been added to the account and that the account is in both the names of the customer and his partner. I take into account that the customer is not disputing the charges, but rather that he is being held liable for them. I refer to my earlier finding in paragraph (6) and

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.

restate that the company is not acting outside its powers in perusing the charges against both account holders.

10. I note that both parties have submitted considerable information and evidence. I have concluded that the fact that I have found no fault in relation to the company adding the customer to the account means that the company has not acted incorrectly in pursuing the charges. Nor are there any ground for finding fault on the art of the company for the manner in which it has provided its services to the customer in other peripheral matters.
11. I realise that the customer will be disappointed in my findings and I accept that he was not aware that he may be added as a customer to the account of the Property. However, I must emphasise that the company is bound by legislation and guidance and that the evidence in this application does not lead me to find that it has failed in its proper provision of services in regard to its obligations.
12. It follows that I do not find that the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person. This application fails.

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 12th September 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.

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.

A handwritten signature in cursive script, reading "J J Higgins", is displayed on a light green rectangular background.

J J Higgins, Barrister, ACI Arb.

Adjudicator

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.

www.WATRS.org | info@watsr.org