

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1598

Date of Decision: 21 October 2019

#### Complaint

The customer states that he is being wrongly charged for water usage. He states that the consumption measured at his Flat since 2017 is much more than the national average for a single person. He states that the company has breached Data Protection Regulations in sending his data to a third party. He seeks a direction for the company to provide the data for the use of the two flats on separate billing going back to April 2009 and he would like the billing for the two flats to be provided separately to allow him to make payments.

#### Defence

The company states that it has investigated the customer's complaint and is satisfied that the customer is being correctly billed and that there is no fault with the existing meter. It states that the customer is not being billed for two properties as alleged. It states that it has carried out the required checks and has offer a new meter but that this was refused by the customer.

No offer of settlement has been made.

#### Findings

The customer has not provided evidence that the company has failed to reach the standard required of it as a service provider. I have not been persuaded that there is any fault on the part of the company in relation to the allegations brought by the customer. The company has abided by its regulatory and legislative duties.

#### Outcome

The company does not need to take any further action.

**The customer must reply by 16 November 2019 to accept or reject this decision.**

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# ADJUDICATOR'S DECISION

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Date of Decision: 21 October 2019

## Party Details

Customer: [ ].

Company: [ ].

## Case Outline

### The customer's complaint is that:

- The customer is resident at [ ] ("the Property").
- He states that there is another flat in the same building with the address [ ] ("second flat").
- He states that since he has lived in his accommodation he was being billed by the company using the readings from meter number 0[ ]1 ("8[]1"). He states that at a later date it was realised that this was the wrong meter and his readings were change to the meter number 0[ ]6 ("8[]6").
- He claims that when he started receiving his bills from the readings of 8[]6 his charges were much increased,
- He claims that a comparison between the two meters over the last 9 years' shows that the consumption in his flat is nearly double that of the second property.
- He states that the company investigated and failed to mention in its report that there was a "creep" noted in the meter 8[]6.
- He claims that the company will not provide separate billing for the two flats.
- He states that he is paying for both flats.
- He claims that the company's use of his data in sending it the debt collection agency is in breach of the Data Protection Regulations.
- He seeks a direction for the company to provide the data for the use of the two flats on separate billing going back to April 2009 and he would like the billing for the two flats to be provided separately to allow him to make payments.

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

- It accepts that it was billing the customer on the wrong meter until 15th August 2017.
- It states that this was actually to the advantage of the customer as his true billing was higher than the charges that he had been paying under meter 8[]1.
- The company states that it did not charge the customer for the difference in the payments going back to 2009, as a gesture of goodwill.
- It states that the customer is only being charged for the Property.
- It states that the bill he is receiving is only for meter 8[]6 and is for a supply that only service the Property. That is, the flat in which the customer resides.
- The company states that it was acting in compliance with data protection regulations when it referred the customer's details to a third party.
- It states that it has offered to replace the meter 8[]6 with a meter inside the customer's Property. The company states that the customer has refused this resolution.
- It states that the meter has been tested and that there is no fault with the meter and no leakage.

**In reply the customer states:**

- He is not satisfied that the problem of his higher than average water consumption has been properly addressed.
- He reiterates the problem with the Data Protection issues.
- He questions what form of notice is required by the company to turn off the water supply.

**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

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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. For clarity, I must emphasise to the parties that this is an evidence based process and my final decision will be made on an analysis of the information provided to me by the parties.
2. The customer is stating that there is a problem with his billing as far too much water usage is being recorded for a single person property such as the Property in which he resides. The company states that it has checked on four occasions and it is satisfied that the billing is correct.
3. The customer states that the flat in which he lives is registering the use of much more water than the national average. I have to note here that an average is taken from many readings which will also include variations at both ends of the scale of possible readings for a one person property. That is, there are some properties which will have much higher recordings than the national average and some much less. In relation to this aspect of the customer's case I do not accept that because the readings are higher than the national average that it logically follows that there must be a problem with the way in which his water usage is being monitored.
4. The customer states that he is paying for two flats. There has not been any evidence produced for this assertion. The company has stated in its defence that it is only charging the customer for one meter, ending in 8[]6, and that his is only recording the water usage of the Property in which the customer resides. It refutes the allegations that it is charging the customer for two properties. On the basis of the evidence provided by the parties I accept that the customer is only being billed for the Property. That is, Flat A where he resides.
5. The customer states that his billing is not separate for his flat and that it includes Flat B. Again, on the same basis as I outlined in paragraph 5 above, I do not find that the customer has evidenced or made out adequately this part of his claim. I do not find any fault on the part of the company in relation to the manner in which it has presented its bills to the customer.
6. The customer states that the company has breached the Data Protection Regulations. I should note here that such disputes are properly heard by the Information Commissioner's Office and cannot be dealt with by the WATRS scheme. I shall not, therefore, be addressing this part of the customer's claim as it falls within

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the remit of another forum. I note that the customer is free to pursue this aspect of his case in the appropriate way.

7. I take into account that the effect of the customer changing his meter in 2017 was that it was discovered that the readings from meter 8[]6 were higher than the readings from 8[]1. The company states that it did not request a back payment from the customer. The company states that this was done as a gesture of goodwill. In effect there was an advantage to the customer during the time he was being charged through the wrong meter.
8. The company has stated that it has offered to replace meter 8[]6 and put a new meter into the customer's flat. The company states that the customer has rejected this option. The customer has not challenged this. I note that the Consumer Council for Water ("CCW") also notes that this is an option which might be expected of the company and that it would be the kind of option the CCW would normally seek on the part of customers who were concerned about the correct recording of water usage. It is unclear from the customer's application why he is not satisfied with this option. However, I do consider that it shows a reasonable attitude towards the customer by the company.
9. The customer has stated that a "creep" was noted in the meter 8[]6. The customer has not provided any evidence of this part of his application. I do realise that it is often difficult for customers to provide detailed evidence; however, I am obliged to make this decision based on the information before me and take into account whether or not there is supporting evidence for allegations.
10. I accept that the customer is concerned about his billing and that this has been a difficult matter to address given the confusion over the meters and the disparity between his original billing and the current billing. Nonetheless, I do not find on the evidence presented that there is any fault in the actions of the company.
11. It follows that, based on the evidence provided, this application fails.

### **Outcome**

The company does not need to take any further action.

### **What happens next?**

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- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 16 November 2019 to accept or reject this decision.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.

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**

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