

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X866

Date of Final Decision: 9 April 2022

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer says the company commenced high court enforcement action against her without notice. She claims for an apology and an unspecified sum of compensation.

Response

The company says it followed the correct processes in sending notices to the address held on file for the customer. It denies the claim.

Findings

The evidence does not show the company failed to provide its services to the standard to be reasonably expected.

Outcome

The company does not need to take any further action.

The customer must reply by 11 May 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- In November 2021 she received a demand to pay a debt of £798.00.
- This was a shock to her as her ex-partner managed the account in question and the company never made her aware that she owed this sum.
- She claims for an apology and an unspecified sum of compensation.

The company's response is that:

- In accordance with WATRS rule 3.5, the scheme cannot be used to adjudicate disputes that are subject to court action or any issues relating to the fairness/appropriateness of the company's set contract terms and/or commercial practices.
- The debt related to one property with an account in joint names: the customer and one other.
- As occupier the customer was jointly and severally liable to pay the water charges.
- In 2016 the customer contacted it to arrange a payment plan to pay the debt, therefore showing she was aware of it.
- It sent a debt recovery letter to the address on file at the relevant time.
- It later traced the customer to find her current address.
- It issued reminders for payment and warned of a default notice.
- In September 2020 it issued a pre-action notice and in November 2020 it issued a notice of court action.
- The court granted default judgement in March 2021 and it commenced enforcement action in November 2021.
- It has provided documents in support. It denies 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. It is reasonably expected that a company will seek payments for debt using the contact details it has on file. The company has evidenced it did this. I acknowledge the customer says she did not receive any communication from the company. However, I am satisfied the company acted reasonably by sending correspondence to the address(es) on file. The evidence does not show it failed to provide its services to the standard to be reasonably expected in this regard.
2. The courts decided the customer owed the company the debt. The company is correct that I cannot adjudicate on a matter decided by the courts.
3. Once the company had confirmation from the court that the debt was owed, it was entitled to take action to recover the debt. The evidence does not show it failed to provide its services to the standard to be reasonably expected in this regard.

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4. I appreciate the customer was shocked to receive a high court enforcement notice, however as explained, I have not found any failing by the company. I therefore cannot consider a remedy.
5. I note the parties had no comments on a preliminary decision.

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 11 May 2022 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.



J Mensa-Bonsu LLB (Hons) PgDL (BVC)
Adjudicator

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