

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X054

Date of Decision: 24 August 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding noise and vibration that he believes emanates from company assets. The customer states that the landlord of the property has undertaken investigations and strongly suspects that the company is responsible for the noise inside the property. The customer states that despite ongoing discussions with the company, and the involvement of CCWater, the dispute is unresolved and therefore he has brought the claim to the WATRS Scheme and asks that the company be directed to identify the source of the noise, pay compensation, and issue an apology.

Response

The company says it has fully investigated the customer's complaints over a period of several months, and it is satisfied that the noise and vibration does not emanate from any of its assets. The company has not made any formal offer of settlement to the customer and declines to agree to any of the remedies sought by the customer.

Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company is responsible for causing the noise and vibration. From the evidence submitted I am satisfied that the company has investigated the customer's complaint to a reasonable level and has established that it is not responsible for the noise. I find that the evidence shows that the company has provided its services to a reasonable level and has managed the customer's account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 14 September 2022 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.

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Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with water supply services. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- He is a tenant at the affected property, and the REDACTED is a representative of his landlord.
- He took up residence in the property in May 2020.
- In April 2021 the company undertook work to the boundary box outside the property after he had complained of noise and vibration emanating from it.
- In May 2021, following completion of the company's work, he contacted it again to complain that the noise and vibration were still present.
- In June 2022 the landlords retained a private plumbing company whose investigations indicated the vibrations were not emanating from inside the property and was likely caused by a fault with the meter inside the boundary box.
- Contact continued with the company throughout the following months, but that despite the testing and work of the company the noise and vibration continued. The customer says that neighbouring properties and organisations were put forward by the company as being the source of the vibration. Investigations identified that these properties were not the source.
- In December 2021 the company advised that it would cease investigations into the problem as it was now satisfied that the vibration was not caused by any of its assets.
- Believing the company had not properly addressed the customer's concerns, the REDACTED escalated the complaint to CCWater who took up the dispute with the company on her behalf. The records show that CCWater contacted the company on 25 January 2022 with a pre-investigation letter seeking an explanation of events and a review of the service provided to the customer.
- On 16 February 2022, CCWater advised the REDACTED that the company had responded to its request for information with its letter of 11 February 2022. The company had submitted a detailed response stating that it believed it had undertaken all necessary investigations and confirmed it

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had carried out various tests to check for the source of the vibration. The company confirmed that its assets were not the cause of the noise and declined to re-open the customer's complaint.

- CCWater had concluded that the company's response confirmed it had carried out a thorough investigation and that CCWater could not take any further measures to have the company change its position and was thus closing the case.
- Continuing to be dissatisfied with the response of the company the REDACTED has, on 16 June 2022, referred the matter to the WATRS Scheme where she requests that the company be directed to identify the source of the vibration at the property, pay compensation, and issue an apology.

The company's response is that:

- It provided its response to the claim in its document submitted on 14 July 2022.
- It confirms that on 29 April 2021 it was contacted by the customer who informed it that a noise was coming from the boundary box outside the property, although it understands that the noise began in February 2021.
- It refutes the customer's contention that the noise and vibration emanate from the boundary box that contains the meter for the property. The company states that the meter was installed on 12 March 2019, but the customer did not complain of noise until April 2021.
- It confirms that it has not received any similar complaints from any other property in the neighbourhood, and thus it believes the problem is restricted only to the customer's property.
- In October 2021 it retained *Industrial Noise Reduction Ltd* whose investigations confirmed that the noise was of a mechanical nature.
- It installed acoustic logging devices on many of its assets in the area around the property, and these established that noise and vibration was loudest adjacent to a property opposite the customer's that had been undertaking development work that ceased in early 2021.
- It liaised with UKPN, and the investigations confirmed that neither it nor the company was responsible for the vibration experienced by the customer.
- In summary, it confirms that it has undertaken all reasonable efforts to assist the customer in locating the source of the vibration and it is confident the noise does not emanate from any of its assets. Consequently, it declines to accede to the remedies requested by the customer.

The customer's comments on the company's response are that:

- On 25 July 2022, the REDACTED submitted detailed comments on the company's response paper. I shall not repeat word for word the customer's comments and in accordance with Rule 5.4.3 of the Rules of the WATRS Scheme I shall disregard any new matters or evidence introduced.
- The REDACTED refutes that no other property in the neighbourhood has complained to the company with the same problem. The REDACTED also contends that the Response document contains information not previously supplied by the company. The CR confirms that the amount of compensation sought stands at £24,953.04.

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 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 dispute relates to the customer's dissatisfaction that the company has not been able to locate and remedy noise and vibration at his residence that he believes is caused by issues with company assets.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.

3. I can see that the parties agree that the customer contacted it in April 2021 to complain of noise and vibration emanating from the boundary box that is located in the footpath adjacent to the customer's residence.
4. The evidence shows that the company responded to the complaint immediately, and undertook, over the next several months, many investigations, including:-
 - 30 April 2021 -- replacing boundary box.
 - 18 May 2021 -- meter readjusted inside boundary box.
 - 09 June 2021 -- recommend plumbing company to customer.
 - 12 July 2021 -- removed NRV from boundary box.
 - 23 July 2021 -- company case manager contacts customer.
 - 09 August 2022 -- company replaces the communication pipe to the property.
 - 11 August 2021 -- company inspects assets in area.
 - 16 August to 16 September 2021 -- company liaises with UKPN.
 - 29 September 2021 -- company inspectors attend the property.
5. I also take into consideration that in October 2021 the company retained noise reduction specialists to inspect the property and also liaised with UKPN to ascertain if any of its assets were causing the vibration.
6. Further in October 2021, the company undertook, free of charge, remedial works at a nearby college to ensure that that location was not the source of the noise.
7. Additionally, I can see that in November 2021 the company investigated a nearby property to inspect a recently converted basement and to eliminate its plumbing and pumping units from the ongoing inquiry.
8. In November 2021 the company fitted acoustic loggers to its assets in the neighbourhood of the property to check for vibration.
9. Thus, from the above, I am satisfied that the company took the customer's complaint seriously and made all reasonable efforts to fully investigate the problem and search for the source of the noise and vibration.

10. From the evidence submitted, I am fully aware that the customer's landlord undertook its own investigations. I can see that several different companies were retained, and numerous differing actions were undertaken in attempts to silence the noise and vibration.
11. I take note that in the Engineer Report Sheet submitted by Optimal Heating Services Ltd states "*After further investigation suspect that the issue may come from upstream.....*". [My emphasis added]. I am satisfied that this statement is indicative that the exact source of the vibration has remained unidentified.
12. Overall, I do not accept that the evidence submitted by the customer and the REDACTED establish on a balance of probabilities that the noise and vibration being experienced at the property emanates from company assets. I note that the Scheme requires the customer to establish with evidence that the company has not provided its services to a reasonable level.
13. In her application to the WATRS Scheme the REDACTED requests that the company be directed to determine the source of the vibration, pay compensation, and issue an apology.
14. I am satisfied that the evidence establishes that the company has made all reasonable efforts to identify the source and location of the vibration.
15. Thus, I find that no benefit will be accrued by directing the company to undertake further investigations.
16. I find that the evidence does not establish that the source of the vibration emanates from assets of the company. Thus, it follows that I further find that the company is not liable to pay compensation of any nature.
17. I additionally take note that all invoices submitted into evidence have been raised in the name of the landlord and not the customer. The evidence does not show that the landlord is in account with the company for payment of water charges at the property and thus it has no contractual relationship with the company.
18. I find that compensation is not appropriate, and I shall not direct the company to make such payments.
19. The customer also requests that the company be directed to issue an apology. As noted above, I am satisfied that the company took the customer's complaint seriously and made all reasonable investigations. I do not find an apology is applicable.
20. My conclusion on the main issues is that the company has not failed to provide its services to the standard to be reasonably expected by the average person.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 10 August 2022.
- The customer has, on 16 August 2022, submitted comments on the Preliminary Decision.
- The customer reiterated her previous position and submitted new items of evidence. I confirm that these have been taken into consideration.
- The company submitted comments on the Preliminary Decision on 17 August 2022 and noted the contents thereof.
- I am satisfied that the facts upon which the Preliminary Decision was based remain unchanged.
- Having read the responses of the parties I am satisfied that no amendments are required to the Preliminary Decision.

Outcome

The company does not need to take further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 14 September 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.



Peter R Sansom
MSc (Law); FCI Arb; FA Arb;
Member, London Court of International Arbitration.
Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Adjudicator

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