

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X240

Date of Final Decision: 30 November 2022

Party Details

Customer:

Company:

Complaint

Since the company fitted a smart meter in the customer's property in April 2020, it has recorded inconsistent and high usage, even when the property has been empty. The meter has been replaced twice and the company has reduced the customer's charges on two occasions, but the customer's charges are still double the average for the size of her household, so the problem has not been resolved. The company says that there is no evidence of a leak, a fault on the meter or a shared supply, but the customer is not aware that the company has checked her pipework. The customer would like the company to resolve the issue, calculate her bill correctly, and credit her account with any overpaid amount. If the company cannot work out how much usage the meter should have recorded, the customer would like the company to charge her based on the rateable value of her property.

Response

The company has investigated the customer's complaint but has found no evidence of a leak, a fault on the meter or a shared supply. In view of this, the company believes that the charges applied to the customer's account are correct and payable. Therefore, liability to reduce the customer's charges is denied.

Findings

The evidence does not show that there is a leak on the company's pipework, a shared supply or a faulty meter and, therefore, I do not find that the company has failed to provide its service to the standard reasonably expected by the average customer. In view of this, I cannot direct the company to reduce the customer's charges and the customer's claim does not succeed.

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Outcome

The company does not need to take any further action.

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Case Outline

The customer's complaint is that:

- She had a smart meter fitted in April 2020 in order to lower her bills. However, it was replaced on 14 July 2020 due to a fault, and replaced again on 28 October 2021 due to another fault.
- At the end of 2021, the company could not work out how much water she had used so it sent a bill for £1,997.00 for the year. After multiple phone calls and an email complaint, the company credited her account with £1,231.00, leaving a balance of £776.00, nearly double the average bill and much more than she had been paying before the meter was fitted.
- She agreed with the company that she would pay the next year's charges on an unmetered basis, which reduced the bill to around £500.00.
- In 2022, she received a credit of £502.00 to reduce the 2021 bill further, and a £150.00 goodwill payment for all the problems she had experienced.
- However, the problem has not been resolved as the meter readings are still inconsistent. For example, on 28 January 2022, the meter reading shows that she used 2551 litres and on 4 March 2022 the reading shows that she used 5287 litres, and it regularly shows a usage of over 1000 litres per day, which is around 280% over the average consumption for two people. Then, on some days, it shows 100 litres have been used, which is much less than the average.
- In addition to this, the meter shows she has used water when the house has been empty. For example, when she was in Egypt for a week it and her house was empty, the meter shows that 2900 litres of water was used.
- She complained to the company again but it said that there is no leak and there is nothing wrong with the meter, but she cannot understand how she can be using so much water, especially when nobody is in the property.
- She has found no leak on the private pipework and she believes that if something was leaking in the house, the readings would be more consistent.
- Her recent bill for six months was £470.00, which is more than the average for a full year for two people, and means that her yearly bill will be more than the average bill for a family of six.
- She has spoken to the company about this on multiple occasions, raised two complaints and complained to CCW, but it has not been resolved.

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- The company's defence states that it has checked the meter and there is nothing wrong with it, there is no leak, and the supply is not shared, but she does not understand how it is physically possible to use the amount of water she has been charged for.
- On her account, she can only view readings taken in the previous week, so she would like the company to provide hourly readings for all the days of excessive usage to understand when this water is being used.
- She would also like the company to explain how it checked for a leak as she is not aware that it has done this.
- She would like to understand how the company knows the meter is not faulty. The company says that a broken meter would not fluctuate up and down but registering 5287 litres on one day and 2 litres on another day suggests that the meter is broken to her.
- She would also like to know how and when the company checked for a shared supply as she is not aware this has done this.
- She also questions how it is possible for the water meter to register usage when there is no one in the property if the meter is not faulty, there is no leak, and she is not on a shared supply.
- This has happened on a number of occasions and she has provided a spread sheet and evidence to show that the meter recorded water usage when the property was empty from 28 March to 4 April when she was in Egypt (she has provided her flight bookings as evidence), from 15 to 17 April when she stayed in a hotel (she has provided the booking information as evidence), from 19 to 22 May when she stayed at her parents and then a hotel (she has provided the hotel booking information as evidence), from 22 to 27 June when she was at Glastonbury Festival (she has provided the Glastonbury Festival email confirmation as evidence), from 9 to 10 July when she stayed at her in-laws, from 19 to 25 July when she was in Spain (she has provided the flight booking confirmation as evidence), and from 8 to 10 September and from 12 to 15 October when she was staying with her family in Yorkshire.
- In view of the above, she would like the company to resolve the issue she is having with the meter, calculate her bill correctly, and credit her account with any overpaid amount. If the company cannot work out how much usage the meter should have recorded, it should charge her based on rateable value.

The company's response is that:

- To resolve the customer's first complaint, on 23 December 2021 it cancelled all of her metered bills and issued a revised bill for the period 22 April 2020 to 6 December 2021, totalling £544.90.
- This means that for the twenty month billing period, the customer's account was charged at a rate of 0.29m³ or 290 litres of water use per day, which is in line with the expected usage of a household of two occupiers.

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- A further manual credit adjustment of £150.01 was applied to the customer's account on 26 May 2022, which means that for the period 22 April 2020 to 6 December 2021 the customer has been charged just £394.89, which equates to a monthly charge of £19.74 and is in line with the expected consumption of a single occupier if they are a very low water user.
- It has proved on two occasions that there are no leaks on the customer's private water supply that might cause her consumption to be higher than she believes it ought to be, and has ruled out a possible shared supply as each property in her road has its own single serving water supply.
- There have only been two different meters connected to the customer's private water supply. It fitted the first meter on 14 July 2020, but when it found that the meter was not sending meter readings wirelessly, it exchanged it for another meter on 28 October 2020. Despite exchanging the meter, the customer's household consumption has remained much the same and, therefore, it is confident that the first meter was not faulty.
- From looking at photographs of the customer's home available in the public domain, it is evident that renovation works were on-going in September 2020 and this may explain why the customer's water consumption was high at this time.
- Periods of higher than expected bills may also have been due to the stay at home rules enforced by the government during the pandemic.
- The customer says her usage is inconsistent, sometime very high and sometimes very low, and on 28 January 2022 2551 litres were used, and on 4 March 2022 5287 litres were used, and the meter regularly shows usage of over 1000 litres a day.
- Its records show that between 11pm on 27 January 2022 and 11pm on 28 January 2022, 3,035 litres were recorded through the customer's meter. The same data shows that between 11pm on 3 March 2022 and 11pm on 4 March 2022, 5,440 litres of water passed through the meter. It agrees that this is much more water than the average two-person household would usually use on a daily basis; however, this does not mean that there is anything wrong with the meter.
- As it does not own the pipework, plumbing fixtures and fittings, or appliances at the customer's home, it is not responsible for explaining how the water is used at her property, and the customer is responsible for ensuring that all her plumbing fixtures and fittings are working correctly and are not malfunctioning by drawing too much water from her supply.
- The customer says that water was used in her property while she was on holiday. The hourly data received from the meter during the customer's holiday to Egypt shows low flows of 8 to 10 litres per hour when the property was first empty, and this indicates an intermittent plumbing fault at the customer's home. For example, low flow is consistent with a sticky toilet valve or the

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heating being left on and the boiler drawing too much water from the water mains. It recommends that the customer employs a plumber to thoroughly check for problems.

- The customer's bills have been calculated correctly based on the water that flows through the meter and the customer's most recent bill shows that the customer has not received bills that equate to £1,000.00 per year, as she has stated.
- It is entirely confident that there is no fault with the meter but the customer can request meter testing by an independent accredited testing facility if she would like to do so. However, this is chargeable at £70.00 + VAT if the meter is found to be recording accurately within the parameters set in law.
- In view of the above, it is confident that the charges on the customer's account are correct and liability to reduce the customer's bill is denied.

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. The customer does not accept that she has used the amount of water she has been billed for and believes that the meter is faulty or she is on a shared supply, and she wants the company to reduce her bill to reflect her actual usage. The company says that the charges are correct and

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payable as there is no evidence of a leak for which it is responsible, a fault on the meter, or a shared supply.

2. As the adjudicator of this dispute, I can only direct the company to reduce the customer's charges if the evidence shows, on the balance of probabilities, that the company has failed to provide its service to the standard reasonably expected by the average customer by charging the customer for water lost through a leak for which the company is responsible, a faulty meter or a shared supply, or where the customer's charges have increased due to some other failing on the company's behalf.
3. Having reviewed all the evidence presented by the parties, including the table of meter readings and the spreadsheet provided by the customer, I find no evidence to show that the customer's high consumption was caused by a faulty meter, a shared supply or a leak for which the company is responsible. This is because the evidence provided by the company in its response to the customer's claim shows on the balance of probabilities that the supply is not shared, and I accept that the job notes included in evidence show that the company checked for leaks on two occasions but found none. I also accept that as the first meter's readings are consistent with the second meter's readings, neither meter is likely to be faulty, and the periods of no consumption rule out an internal leak.
4. I appreciate that the usage recorded during periods when the customer's property has been empty may have caused the customer to believe there was a fault, leak or shared supply, but I accept that the usage is likely due to a faulty appliance or sticky valve, as suggested by the company. However, I note that the company has provided information about an independent meter testing service that the customer may wish to use if she believes that her meter may be faulty.
5. In view of the above, and because there is no evidence to show that incorrect charges have been applied to the customer's account due to some other failing on the company's part, I cannot find that the company has failed to provide its service to the standard reasonably expected by the average person by billing the customer for the water consumption recorded on her smart meter.
6. I appreciate that the customer will be extremely disappointed by my decision but, as I have found no failing on the company's part, and find that the charges on the customer's account are

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most likely correct and payable, I cannot direct the company to reduce the customer's charges or change the basis of her charges back to rateable value; therefore, the customer's claim cannot succeed.

7. Following the preliminary decision, the customer made some comments and raised some concerns. Some of these comments raise new issues but, in accordance with the Scheme Rules, the customer cannot raise new issues at this stage in the process. Some of the comments raise issues that I have already considered and addressed in my adjudication, so I find no need to revisit them now. However, the customer asked for further clarification from the company regarding some elements of her complaint and I note that the company has provided this further information. In view of this, my decision remains unchanged.

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 14 December 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.

K S Wilks

Katharine Wilks

Adjudicator

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