

City Council offers partial rebate for charge on excess water usage

Legislation	Ombudsmen Act 1975
Agency	Local authority
Ombudsman	Sir Brian Elwood
Case number(s)	C5620
Date	1999

Excess water usage charges—local authority policy on rebates—partial or full rebate—hidden leakage

The complaint in this case related to a City Council’s decision to offer a landlord a partial, rather than a full rebate, for excess water usage.

The complainant received an account from the Council for excess water usage in respect of a rental property. He contacted the Council and said he was advised that if there were hidden leaks the charges could be rebated. The Council offered to remit half the charges, but the complainant believed he was entitled to a full rebate.

In investigating the complaint, excess water usage was established. The Council’s policy on rebates was checked and it was found that the offer of a partial rebate was based on an administrative practice. That practice could be summarised in terms that the Council will offer a rebate where a leak has occurred which was not easily detectable. There was no obligation to grant a rebate.

The complainant’s plumber confirmed that he had found a potable water leak under the driveway when he was engaged by the owner to do repairs. He also said that he had repaired several other water pipes on the property at various times. The papers also showed that the Council had advised the complainant of a faulty toilet cistern at the property, and there was correspondence concerning roof supply tank repairs on the property.

In summary the inquiries undertaken showed there were several reasons for the excess water usage on the property. Some of the usage could be attributed to leaks which were not easily detectable, thereby attracting a rebate, but others were such as a property owner could reasonably identify. Taking these factors into account the Council's decision to offer a partial rebate, amounting to 50 percent of the total excess water usage charge did not appear to be unreasonable, and the complaint was not sustained.

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