

Local Authority not unreasonable to turn off water supply at property owned by a Trust

Legislation	Ombudsmen Act 1975
Agency	Local authority
Ombudsman	Leo Donnelly
Case number(s)	464133 (previously unpublished)
Date	2018

Decision by Local Authority to turn off water supply in building occupied intermittently—Ombudsman finds not unreasonable

The Council turned off the water to a nursery building at the instruction of a Trust which owned the land and building. However, the complainant was living intermittently in the affected building (before and after the water was shut off). The Trust was in the process of removing the occupier in the time period during which the Council's contractor turned off the water supply to the affected building at the Trust's request.

The complainant considered that the Council's actions were unreasonable and asked the Ombudsman to investigate the complaint.

The Ombudsman found that it was not unreasonable for the Council to have turned off the water on the instructions of the Trust. This is because it was the Trust, not the complainant, which had ownership of the affected building. The Ombudsman noted that the Council was still providing water to the property in accordance with the legislation regarding the land owner's access to water. The shutting off of the water to the relevant internal lateral was the Trust's responsibility. In any event, if the Ombudsman were to form a view that the Council should turn the water back on at the internal lateral, the Trust would be free to turn it off again.

The Ombudsman noted that this was a situation which could only be resolved between the Trust and the occupier of the affected building and that the actions of the Council in the circumstances of this case, were not unreasonable. The complaint was not sustained.

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