

SPSO decision report

Case: 201102116, Scottish Water
Sector: Scottish Government and devolved administration
Subject: damage caused / compensation
Outcome: not upheld, no recommendations

Summary

A water main runs through Mr C's garden but does not supply water to his house. In May 2011 he discovered that the water main had burst and water had flooded under his house. Mr C was concerned that this might have damaged his property's foundations and wanted Scottish Water to arrange a structural survey of his foundations to check for damage and to meet the costs of the survey and any subsequent repairs. He also asked them to re-site the water main away from his property.

Scottish Water told Mr C that they would meet the cost of the survey and any repairs if it could be established that the leak had caused damage. They took the view that it was unlikely that the foundations would have been damaged and there was no evidence to suggest that they were. As such, they said it would be up to Mr C to arrange a survey, and if this showed damage Scottish Water would refer the matter to their insurers. Mr C did not find this reasonable as he said he would not have needed to do this had the pipe not leaked. Scottish Water also declined to relocate the pipe, as it was in good condition and there was no refurbishment plan for Mr C's area.

On the advice of our adviser on water matters, we did not uphold Mr C's complaints. We found that it was reasonable for Scottish Water to ask for evidence that damage had occurred before involving their insurers. There was no specific requirement for a structural survey to prove that the foundations were damaged - this had been proposed by Mr C. We did not consider that Scottish Water were obliged to instruct or fund investigations into the extent of any damage before liability was determined. With regard to the relocation of the pipe, we accepted advice that this might benefit from relocation during the next planned refurbishment in the area. However, there was no immediate reason to relocate the pipe and we found the position reached by Scottish Water to be reasonable.