

Progress Report No. 12

Pyrite Resolution Act 2013 (Section 9)

1. Applications

The total number of applications submitted since the launch of the Pyrite Remediation Scheme on 26th February 2014 to 3rd January 2017 was 1494¹ spread across 47 developments containing multiple applications, 31 developments with only one application and 37 single site applications. On average 10 applications per week were received in the fourth quarter of 2016.

A full breakdown of the applications received by county/area is attached at Appendix A and the current status of all applications is at Appendix B.

Note 1: A small number of applications have been closed for administrative reasons, e.g. duplicates, withdrawn etc.

2. Assessment, Verification and Recommendation Process

A total of 1246 applications have been validated and referred to the Housing Agency for the Assessment and Damage Verification Process.

Damage Verification, i.e. confirmation of damage attributable to pyritic heave, may be based on an individual dwelling or on associated dwellings. Associated dwellings may thus be verified on the basis of comparable damage and / or earlier tests with similar results.

HomeBond arranges testing as required and the results are submitted to the Housing Agency.

3. Inclusion of Dwellings in the Scheme

Following the verification process, the Housing Agency makes a recommendation to the Pyrite Resolution Board (PRB) as to whether or not a dwelling should be included in the Pyrite Remediation Scheme. Thus far, 1117 dwellings have been included in the Scheme and the applicants have been notified accordingly.

4. Tendering, Award of Contracts and Remediation

Of the 1117 dwellings included in the Scheme, the progress at key stages can be summarised as follows:

- To date 553 dwellings have been remediated.
- Works contracts are in place for 12 projects of which 242 dwellings are still to be remediated.
- The tendering and pre-contract process is underway for 5 projects, totalling 121 dwellings.

- Engineers are preparing Remedial Works Plans for 3 projects, totalling 88 dwellings while planning and scheduling is underway for a further 113 dwellings.

5. Priorities and Programme

The Act and the Scheme set out the criteria that the PRB must have regard to in determining priorities. Priority cases are identified and placed appropriately within the programme. The Board is satisfied that this is working well.

6. Refusal of Applications and Exclusion of Dwellings

Refusal following the Validation Process

To date, a total of 45* applications have been refused following the Validation Process on the grounds that the Scheme's eligibility requirements were not met.

*This figure does not include two applications that were successfully appealed and applications which were closed for administrative reasons, e.g. withdrawn, duplicate applications etc.

Exclusion following the Assessment, Verification and Recommendation Process

No dwellings have been excluded thus far following the Assessment, Verification and Recommendation Process.

7. Appeals

The Board received 4 appeals during the fourth quarter of 2016. When these are added to an outstanding appeal submitted in a previous quarter, decisions are pending in the case of 5 appeals.

Of the 5 appeals, three relate to dwellings recording a Damage Condition Rating (DCR) of 1; one relates to a dwelling where the applicant has applied for more than one dwelling to be included in the Scheme and the fifth appeal relates to a dwelling which was refused due to the date of purchase not satisfying the eligibility criteria. In all cases, the appeals process is progressing as per the appeals procedure.

8. Services provided by HomeBond

In June 2014, an agreement was signed regarding HomeBond's contribution towards technical and project management services, under the direction and supervision of the Pyrite Resolution Board and / or the Housing Agency, to the value of €2 million.

The contribution for 2016 amounted to €348,227. The running total from the commencement of the agreement to year end (2016) stands at €684,077. It is acknowledged that

HomeBond's contribution towards testing and the remediation programme has been an integral and effective part of the process.

9. Contributions from Liable Parties

In line with the provisions of the Pyrite Resolution Act 2013, the PRB has an obligation to recover from any party, with a liability, and the capacity, all or part of the costs of remediating dwellings.

During 2016, the PRB received a total of €308,000 from liable parties and, in accordance with the Act, this money was paid over to the Minister for Housing, Planning, Community and Local Government.

Negotiations are proceeding with regards to contributions in a number of other cases.

10. Refund of Compensation

Where a dwelling has been included in the Scheme but the work has not commenced and the scheme participant receives a payment other than under the Scheme, as a condition for continued inclusion in the Scheme, the scheme participant is required to pay the amount received to the PRB within a specified time period. In this regard, a contribution of €17,400 was made by an applicant in 2016.

11. Legal Proceedings

It is a condition of eligibility under the Scheme that the Applicant gives his/her consent to the institution by the PRB of civil proceedings relating to loss arising from the act or default of any person that causes significant pyritic damage to the dwelling.

Legal proceedings issued against the developer of a scheme in Fingal in respect of 185 dwellings continue to be on-going.

12. Departure from the Board

Mr John O'Connor, the outgoing chairman of the Pyrite Resolution Board and Mr. Matt Gallagher, Board Member, attended their last meeting of the Board on the 15th December 2016. Fellow Board Members thanked them for their contribution to the pyrite resolution process.

13. Review of Strategy and Business Plan 2017- 2018

The Board has approved the Strategy and Business Plan 2017 – 2018.

Appendix A - Summary of Applications Submitted as at 3rd January 2017

Local Authority	Applications	County/Area	Applications
Dublin City Council	29	Dublin	832
Dún Laoghaire-Rathdown Co. Co.	10	Balbriggan	276
Fingal County Council	1008	Ballyboughal	3
Kildare County Council	20	Donabate	67
Meath County Council	389	Donbate	1
Offaly County Council	26	Glenagery	1
South Dublin County Council	12	Kinsealy	13
		Lucan	1
		Lusk	295
		Malahide	2
		Newcastle	13
		Oldtown	1
		Portmarnock	2
		Rush	141
		Skerries	2
		Sutton	1
		Swords	13
		Dublin 11	5
		Cappagh	1
		Finglas	1
		Meakstown	3
		Dublin 15	158
		Ashtown	8
		Blanchardstown	16
		Castleknock	15
		Clonsilla	3
		Hollystown	2
		Mulhuddart	112
		Ongar	2
		Dublin 16	9
		Ballinteer	9
		Dublin 17	1
		Balgriffin	1
		Dublin 5	1
		Raheny	1
		Dublin 8	7
		Heytesbury Street	7
		Dublin 9	46
		Ballymun	1
		Santry	45
		Kildare	20
		Donadea	1
		Enfield	2
		Kilcock	5
		Leixlip	6
		Maynooth	6
		Meath	389
		Ashbourne	239
		Ballivor	1
		Clonalvy	1
		Dunboyne	46
		Dunshaughlin	25
		Enfield	58
		Kilbride	1
		Kilmessan	2
		Kinnegad	1
		Longwood	1
		Navan	2
		Rathmolyon	2
		Robinstown	1
		Summerhill	7
		The Ward	1
		Trim	1
		Offaly	26
		Edenderry	26
Grand Total	1494	Grand Total	1494

Stage	Applications
1. Application & Validation	171
2. Damage Assessment/Verification	129
3. Planning/Scheduling & RWP Preparation	201
4. Tendering & Tender Analysis	77
5. Decision to Contract	44
6. Dwelling Remediation	242
7. Retention Period – 12 Months	404
8. Application Closed	226
Grand Total	1494

Appendix B – Status of Applications up to 3rd January 2017

Status	Applications
In Validation Process	171
Validated and awaiting verification	129
Included in Scheme	1117
<i>Planning/Scheduling</i>	113
<i>Preparation of Specification & Tender</i>	88
<i>Tendering & Tendering Analysis</i>	77
<i>Decision to Contract</i>	44
<i>Remediation Works</i>	242
<i>Works Complete & Certified (In Retention)</i>	404
<i>Closed after Retention</i>	149
Closed (<i>Excluding Properties Closed After Retention</i>)	77
Grand Total	1494