



Pyrite Resolution Board Progress Report No. 3 Pyrite Resolution Act 2013 (Section 9)

1. Online Application and File Management System

The online application process was launched on 26th February 2014 and can be accessed by applicants on the Board's website www.pyriteboard.ie.

The final phase of the online system is now in operation and includes the facility for applicants to track the progress of their applications. The internal file management arrangements within the Housing Agency are being developed.

2. Applications Submitted

The number of completed applications submitted since the launch to 7th October 2014 was 575 spread across 26 developments containing multiple applications plus 47 single site applications. Of the single site applications, approximately 45% are one-off developments and the remainder are single applications on larger developments.

The application system indicates that 36 individuals have commenced but not yet completed applications.

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

A summary of application statistics is also published in the 'Applications' section of the website. As applications advance through the remediation process and new applications are submitted, these figures will be updated.

The total of 575 includes 3 applications for Newcastle, Co. Dublin. Newcastle is in the South Dublin County Council administrative area and therefore does not fall within the geographical areas specified in the Scheme's eligibility requirements. The Board is currently considering a proposal to extend the Pyrite Remediation Scheme to include this area.

3. Validation Process

a) Overview of Validation Process

The validation process essentially has two elements to it:

- i. Assessment of applications for compliance with the eligibility criteria (including assessment of 'practicable alternative options').
- ii. An audit of the Building Condition Assessment (BCA) to ensure that the dwellings have the requisite level of damage.

The auditing process is continuing and involves inspection of the damage in order to validate the information contained in the BCA. This involves an inspection of approximately 25% of all cases on each development plus all one-off applications. Thus far the audit process has been completed in respect of approximately 95% of applications received. While there can be some differences in attributing values to various elements of the dwelling, overall the Damage Condition Ratings recorded have been satisfactory in all cases audited.

b) Damage Condition Rating 1 Applications

A small number of applications with a Damage Condition Rating (DCR) of 1 have been received. While these do not qualify under the Scheme some may be considered under the "exceptional" heading at a later stage.

The protocol to deal with these cases is being implemented and is outlined as follows:

Where a dwelling with a DCR of 1 adjoins a dwelling with a DCR of 2, the Housing Agency will be notified. They will consider if exceptional circumstances apply when the Remedial Works Plan is being drawn up and inform the PRB accordingly. Throughout this process, the application is held at Stage 1: Application and Validation Process and the applicant will be notified of any change in status.

Applications for dwellings that cannot be considered under "exceptional circumstances", e.g. those dwellings that do not adjoin a dwelling with a DCR of 2, are being refused and the applicant notified accordingly. In such cases, the applicant is informed that should the damage progress, resulting in a rating of 2, they may reapply.

c) Other Practicable Options

Guidance has been issued to Decision Makers on the application of the “alternative practicable options” requirement. Enquiries are still ongoing in respect of 70 dwellings where legal actions and dispute resolution processes have commenced. See also “Contributions from Liable Parties” below

4. Assessment, Verification and Recommendation Process

A total of 428 applications have been validated and referred to the Housing Agency for the Assessment and Damage Verification Process. A full breakdown of the applications validated by county and area is attached at Appendix B.

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

The Housing Agency have established a methodology in relation to a testing programme for cases where earlier test results are not available. HomeBond are organising testing as required.

5. Inclusion of Dwellings in the Scheme

Following the verification process, the Housing Agency makes a recommendation to the PRB as to whether or not a dwelling should be included in the remediation scheme. Thus far, 206 dwellings have been included in the Scheme and applicants have been notified accordingly.

6. Tendering, Award of Contracts and Remediation

Of the 206 dwellings included in the Scheme, the Housing Agency are currently tendering for Design Professionals to undertake the Remedial Works Plan / subsequent supervision of contracts for 24 dwellings. Design Professionals have been appointed for a further 68 dwellings.

Currently remediation work contracts are in place for 5 dwellings. These contracts commenced in early September 2014 and are expected to be completed and handed back to the owner within the 12 week target. Project Managers are appointed to act as a coordinator for each project and as a contact person for homeowners.

7. Prioritising and Programming of Remediation Works

A protocol has been developed with regards to the Prioritising and Programming of Remediation Works. The Act and the Scheme set out the criteria that the PRB must have regard to in determining priorities.

8. Agreement between PRB and Housing Agency

The Governance and Procedural Arrangements document sets out the arrangements between the PRB and the Housing Agency in the remediation of houses and apartments under the Pyrite Remediation Scheme having regard to the assignment of functional responsibilities in the Pyrite Resolution Act. This document has been agreed and approved by both Boards.

9. Appeals Procedure

The Board has prescribed procedures under Section 27 of the Pyrite Resolution Act 2013 for the hearing and determination of appeals against decisions made by Decision Makers appointed by the PRB, on applications for inclusion of a dwelling in the Pyrite Remediation Scheme. These can be found in the publications section of the website. To date, only one appeal has been submitted and this is being progressed.

10. Contribution from Liable Parties

In line with the intent of the Act, 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.

It is the practice of the PRB to pursue builders/developers who may have a liability in respect of dwellings which are the subject of applications under the PR Scheme. Initially, this is done by negotiation with a view to settlement by way of contribution to the costs of the remediation works having regard to the financial standing of the builder/developer in question. If a settlement that appears reasonable to the Board cannot be achieved by negotiation, the PRB will take legal advice with a view to initiating legal proceedings against the builder/ developer in accordance with its powers under the Pyrite Resolution Act, 2013.

Appendix A - Summary of Applications Submitted as at 7th October 2014

Local Authority	Applications
Dublin City Council	19
Fingal County Council	372
Kildare County Council	12
Meath County Council	156
Offaly County Council	16
Grand Total	575

Status	Applications
In Validation Process	144
Validated and awaiting verification	220
Verified and awaiting decision to include/exclude	2
Included in Scheme	206
Not considered*	3
Grand Total	575

* 3 applications are not being considered as they fall outside the geographical area covered by the Scheme's eligibility criteria.

County/Area	Applications
Dublin	293
Balbriggan	95
Ballyboughal	2
Donabate	53
Kinsealy	6
Lusk	78
Malahide	1
Newcastle	3
Oldtown	1
Rush	52
Swords	2
Dublin 8	3
The Coombe	3
Dublin 9	44
Ballymun	1
Santry	43
Dublin 11	3
Finglas	1
Meakstown	2
Dublin 15	48
Ashtown	8
Blanchardstown	1
Castleknock	1
Clonsilla	1
Hollystown	2
Mulhuddart	34
Ongar	1
Kildare	12
Enfield	2
Kilcock	3
Leixlip	3
Maynooth	4
Meath	156
Ashbourne	76
Ballivor	1
Clonalvy	1
Dunboyne	19
Dunshaughlin	19
Enfield	28
Kilbride	1
Kilmessan	1
Navan	1
Robinstown	1
Summerhill	6
The Ward	1
Trim	1
Offaly	16
Edenderry	16
Grand Total	575

Appendix B – Summary of Applications validated up to 7th October 2014

County/Area	Apartment	House	Total
Dublin	10	194	204
Balbriggan	2	80	82
Ballyboughal		2	2
Donabate		1	1
Kinsealy	1	4	5
Lusk	5	61	66
Oldtown		1	1
Rush	2	44	46
Swords		1	1
Dublin 9	39	1	40
Ballymun		1	1
Santry	39		39
Dublin 8	3		3
Heytesbury Street	3		3
Dublin 11		1	1
		1	1
Dublin 15	2	41	43
Ashtown		8	8
	1		1
Mulhuddart	1	32	33
Ongar		1	1
Kildare		9	9
Enfield		2	2
Leixlip		3	3
Maynooth		4	4
Meath		116	116
Ashbourne		65	65
Ballivor		1	1
Clonalvy		1	1
Dunshaughlin		18	18
Enfield		22	22
Kilmessan		1	1
Navan		1	1
Robinstown		1	1
Summerhill		5	5
Trim		1	1
Offaly		12	12
Edenderry		12	12
Grand Total	54	374	428