

# Progress Report No. 13

## Pyrite Resolution Act 2013 (Section 9)

### 1. Applications

A total of 1666 applications have been submitted to the Pyrite Remediation Scheme since its launch from 26<sup>th</sup> February 2014 to 31<sup>st</sup> March 2017. A small number of applications have been closed for administrative reasons, e.g. duplicates, withdrawn etc. On average 13 applications were received per week.

These applications are spread across:

- 49 developments containing multiple applications
- 35 developments with only one application and
- 39 single site applications.

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

### 2. Assessment, Verification and Recommendation Process

A total of 1366 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.

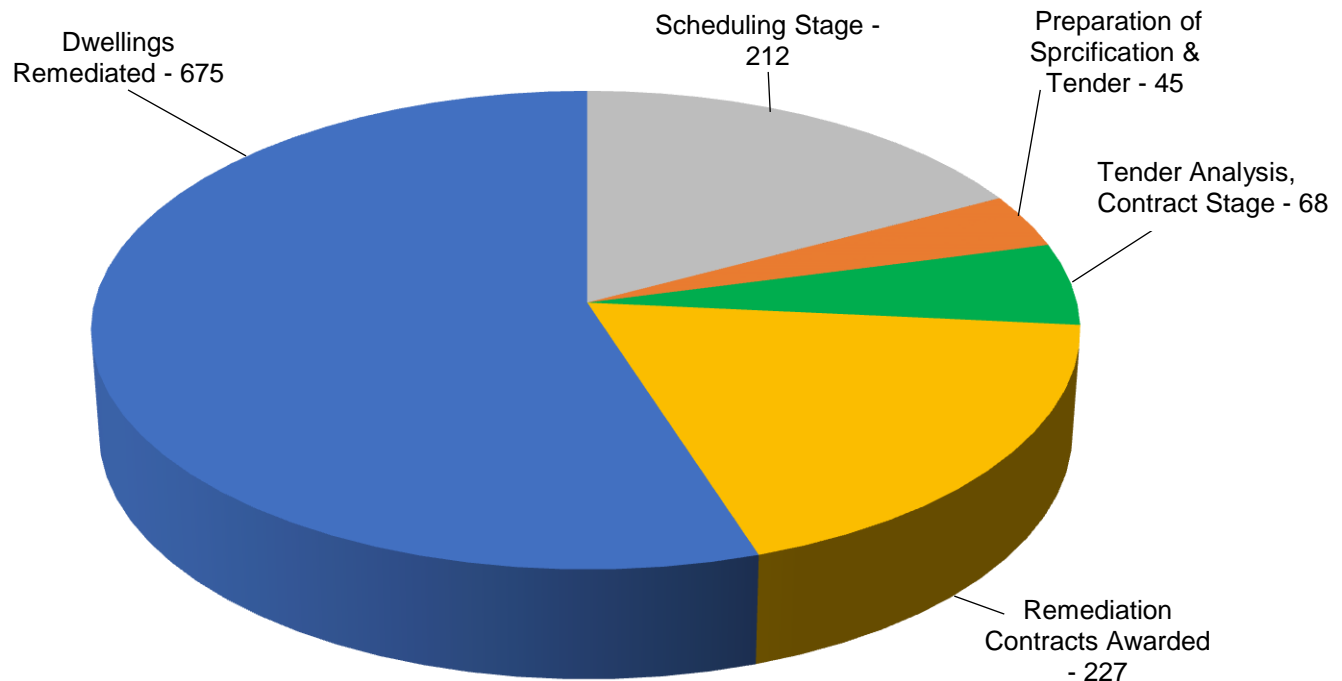
HomeBond arranges testing as required and the results are submitted to the Housing Agency.

### 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, 1227 dwellings have been included in the Scheme and the applicants have been notified accordingly.

#### 4. Tendering, Award of Contracts and Remediation

Of the 1227 dwellings included in the Scheme, the progress at key stages is presented in the chart below as follows:



#### 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 53 applications have been refused as the scheme eligibility requirements were not met. This figure does not include two applications that were successfully appealed and applications which were closed for administrative reasons.

##### Exclusion following the Assessment, Verification and Recommendation Process

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

## **7. Appeals**

Of the 53 refused applications referred to in Section 6 above, the Board received 6 appeals during the first quarter of 2017. When these are added to outstanding appeals submitted in the previous quarter, decisions are pending in the case of 9 appeals.

Of the 9 appeals, 5 relate to dwellings recording a Damage Condition Rating (DCR) of 1; and 4 relate to dwellings which were refused due to the date of purchase not satisfying the eligibility criteria.

The Board affirmed the decision of the Decision Maker to refuse an application submitted in 2016. The application which was refused, related to the scenario where the applicant had applied for more than one dwelling to be included in the scheme.

An additional appeal submitted in 2016, that related to a dwelling with a damage condition rating (DCR) of 1, was withdrawn and a new application submitted as damage had progressed, resulting in a damage condition rating (DCR) of 2 being achieved.

## **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. 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 Scheme, 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 the first quarter of 2017, the Solicitors for PRB received an agreed settlement of €664,000 from the Solicitors of a party with liability. A difficulty arose in trying to transfer this settlement to the Department within this quarter due to the definition of it as a gift. The settlement remained in the client account of the solicitors of the PRB and was later transferred to the Housing Agency.

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 €12,572 made by an applicant in the first quarter of 2017 was accepted by the Board.

## **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 are presently on-going.

## **12. Review of Strategy and Business Plan 2017- 2018**

The drafting of the Boards 2016 Annual Report is presently on-going.

## **13. Appointment to the Board**

Mr Alec Flood attended his first meeting of the Board on 26th of January 2017 following his appointment to the Board in December 2016.

21<sup>st</sup> September 2017

## Appendix A - Summary of Applications Submitted as at 31<sup>st</sup> March 2017

Local Authority	Applications	County/Area	Applications
Dublin City Council	32	<b>Dublin</b>	<b>949</b>
Dún Laoghaire-Rathdown Co. Co.	12	Balbriggan	294
Fingal County Council	1137	Ballyboughal	3
Kildare County Council	22	Castleknock	1
Meath County Council	423	Donabate	71
Offaly County Council	26	Glenagery	2
South Dublin County Council	14	Kinsealy	14
<b>Grand Total</b>	<b>1666</b>	Lucan	4
		Lusk	373
		Malahide	2
		Newcastle	13
		Oldtown	1
		Portmarnock	2
		Rush	153
		Skerries	2
		Sutton	1
		Swords	13
		<b>Dublin 11</b>	<b>7</b>
		Cappagh	1
		Finglas	2
		Meakstown	4
		<b>Dublin 15</b>	<b>173</b>
		Ashtown	8
		Blanchardstown	19
		Castleknock	21
		Clonsilla	4
		Hollystown	3
		Mulhuddart	116
		Ongar	2
		<b>Dublin 16</b>	<b>10</b>
		Ballinteer	10
		<b>Dublin 17</b>	<b>1</b>
		Balgriffin	1
		<b>Dublin 5</b>	<b>2</b>
		Raheny	2
		<b>Dublin 8</b>	<b>7</b>
		Heytesbury Street	7
		<b>Dublin 9</b>	<b>46</b>
		Ballymun	1
		Santry	45
		<b>Kildare</b>	<b>22</b>
		Donadea	1
		Enfield	2
		Kilcock	6
		Leixlip	6
		Maynooth	7
		<b>Meath</b>	<b>423</b>
		Ashbourne	264
		Ballivor	1
		Clonalvy	1
		Dunboyne	51
		Dunshaughlin	26
		Enfield	61
		Kilbride	1
		Kilmessan	2
		Kinnegad	1
		Longwood	1
		Navan	2
		Rathmolyon	2
		Robinstown	1
		Summerhill	7
		The Ward	1
		Trim	1
		<b>Offaly</b>	<b>26</b>
		Edenderry	26
		<b>Grand Total</b>	<b>1666</b>

Stage	Applications
1. Application & Validation	212
2. Damage Assessment/Verification	139
3. Planning/Scheduling & RWP Preparation	257
4. Tendering & Tender Analysis	1
5. Decision to Contract	67
6. Dwelling Remediation	227
7. Retention Period – 12 Months	499
8. Application Closed	264
<b>Grand Total</b>	<b>1666</b>

## Appendix B – Status of Applications up to 31<sup>st</sup> March 2017

Status	Applications
<b>In Validation Process</b>	<b>212</b>
<b>Validated and awaiting verification</b>	<b>139</b>
<b>Included in Scheme</b>	<b>1227</b>
<i>Planning/Scheduling</i>	212
<i>Preparation of Specification &amp; Tender</i>	45
<i>Tendering &amp; Tendering Analysis</i>	1
<i>Decision to Contract</i>	67
<i>Remediation Works</i>	227
<i>Works Complete &amp; Certified (In Retention)</i>	499
<i>Closed after Retention</i>	176
<b>Closed (Excluding Properties Closed After Retention)</b>	<b>88</b>
<b>Grand Total</b>	<b>1666</b>