

# **Progress Report No. 10**

## **Pyrite Resolution Act 2013 (Section 9)**

### **1. Applications**

The number of completed applications submitted since the launch of the Pyrite Remediation Scheme on 26<sup>th</sup> February 2014 to 30<sup>th</sup> June 2016 was 1240 spread across 44 developments containing multiple applications, 25 developments with only one application and 35 single site applications. On average 10 applications per week were received in the second 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.

### **2. Assessment, Verification and Recommendation Process**

A total of 1029 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, 955 dwellings have been included in the Scheme and the applicants have been notified accordingly.

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

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

- To date 358 dwellings have been remediated.
- Works contracts are in place for 7 projects totalling 239 dwellings of which 111 dwellings are still to be remediated.
- The tendering and pre-contract process is underway for 8 projects, totalling 198 dwellings.

- Engineers are preparing Remedial Works Plans for 5 projects, totalling 103 dwellings while planning and scheduling is underway for a further 185 dwellings.

## **5. Priorities, Programme and Budget**

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 Application and Exclusion of Dwellings**

### Refusal following the Validation Process

To date, a total of 31\* 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 refused applications that were subsequently appealed successfully as well as a small number of applications that were refused 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**

Two appeals were received in the second quarter of 2016.

The first appeal relates to a dwelling with a Building Condition Assessment recording a Damage Condition Rating of 1.

The second appeal relates to the refusal of an application where the applicant applied for more than one dwelling.

In both cases, the appeals process is progressing as per the appeals procedure.

## **8. Services provided by HomeBond**

An agreement was signed in June 2014 with regard to HomeBond's contribution towards technical and project management services to the value of €2 million. All technical and project management services provided by HomeBond are under the direction and supervision of the Pyrite Resolution Board and/or the Housing Agency. It is acknowledged that HomeBond's contribution towards testing and the remediation programme has been an integral and effective part of the process.

In addition to the original agreement, a Supplemental Agreement was signed with HomeBond in the final quarter of 2015 for dealing with structural defects not related to pyritic heave identified prior to or during the course of pyrite remediation works that affect the structural stability of the dwelling. The structural defects not related to pyritic heave will be remedied, as far as possible, before they are covered over during the works.

In such cases, HomeBond is making an appropriate contribution towards the cost of such structural works.

Further discussions were held with HomeBond to review progress on their contribution towards aspects of the remediation process such as covering the cost of testing core samples in laboratories and providing technical advice and managing projects on site.

## **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.

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

## **10. 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.

In this regard, the PRB have commenced legal proceedings against a developer of a scheme in Fingal.

## **11. Staff Changes**

The Housing Agency has appointed a Programme Manager, Michael Farrington, who will be responsible for the management and oversight of the programme of works under the Scheme, including financial management, contract management and the management of the day to day operations in respect of remediation works.

## Appendix A - Summary of Applications Submitted as at 1<sup>st</sup> July

Local Authority	Applications
Dublin City Council	28
Dún Laoghaire-Rathdown Co. Co.	9
Fingal County Council	820
Kildare County Council	20
Meath County Council	328
Offaly County Council	24
South Dublin County Council	11
<b>Grand Total</b>	<b>1,240</b>

Stage	Applications
1. Application & Validation	156
2. Damage Assessment/Verification	74
3. Remedial Works Plan	288
4. Tendering & Tender Analysis	198
5. Decision to Contract	0
6. Dwelling Remediation	111
7. Retention Period – 12 months	358
8. Application Closed	55
<b>Grand Total</b>	<b>1,240</b>

County/Area	Applications
<b>Dublin</b>	<b>669</b>
Balbriggan	241
Ballyboughal	3
Donabate	66
Kinsealy	13
Lusk	186
Malahide	1
Newcastle	13
Oldtown	1
Portmarnock	2
Rush	135
Skerries	1
Sutton	1
Swords	6
<b>Dublin 11</b>	<b>4</b>
Finglas	1
Meakstown	2
Cappagh	1
<b>Dublin 15</b>	<b>132</b>
Ashtown	8
Blanchardstown	4
Castleknock	9
Clonsilla	2
Hollystown	2
Mulhuddart	105
Ongar	2
<b>Dublin 16</b>	<b>9</b>
Ballinteer	9
<b>Dublin 17</b>	<b>1</b>
Balgriffin	1
<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>20</b>
Donadea	1
Enfield	2
Kilcock	5
Leixlip	6
Maynooth	6
<b>Meath</b>	<b>328</b>
Ashbourne	195
Ballivor	1
Clonalvy	1
Dunboyne	37
Dunshaughlin	23
Enfield	55
Kilbride	1
Kilmessan	1
Kinnegad	1
Longwood	1
Navan	2
Rathmolyon	1
Robinstown	1
Summerhill	7
The Ward	1
<b>Offaly</b>	<b>24</b>
Edenderry	24
<b>Grand Total</b>	<b>1,240</b>

## Appendix B – Status of Applications up to 30 June 2016

Status	Applications
<b>In Validation Process</b>	<b>156</b>
<b>Validated and awaiting verification</b>	<b>74</b>
<b>Included in Scheme</b>	<b>955</b>
<i>Planning/Scheduling</i>	185
<i>Preparation of Specification &amp; Tender</i>	103
<i>Tendering &amp; Tendering Analysis</i>	198
<i>Decision to Contract</i>	0
<i>Remediation Works</i>	111
<i>Works Complete &amp; Certified</i>	358
<b>Closed</b>	<b>55</b>
<b>Grand Total</b>	<b>1240</b>