

Progress Report No. 11

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 30th September 2016 was 1366¹ spread across 45 developments containing multiple applications, 27 developments with only one application and 36 single site applications. On average 10 applications per week were received in the third 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 1144 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, 1052 dwellings have been included in the Scheme and the applicants have been notified accordingly.

4. Tendering, Award of Contracts and Remediation

Of the 1052 dwellings included in the Scheme, the progress at key stages can be summarised as follows:

- To date 448 dwellings have been remediated.
- Works contracts are in place for 5 projects totalling 228 dwellings of which 116 dwellings are still to be remediated.
- The tendering and pre-contract process is underway for 12 projects, totalling 203 dwellings.

- Engineers are preparing Remedial Works Plans for 7 projects, totalling 159 dwellings while planning and scheduling is underway for a further 126 dwellings.

Note 1: A small number of applications have been closed for administrative reasons, e.g. duplicates, withdrawn etc.

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 35* 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

No appeals were received during the third quarter of 2016. Decisions are pending in relation to 4 appeals which are 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.

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 obtaining 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, legal proceedings have been issued by the PRB against the developer of a scheme in Fingal in respect of 185 dwellings

11. Appointments to the Board

Dr. Derek Sinnott was appointed to the Board of the PRB on 2nd September 2016. Dr. Sinnott is Head of Department of the Built Environment at Waterford Institute of Technology. He was also appointed to the Audit and Risk Committee of the PRB.

12. Comptroller and Auditor General

In the course of conducting an audit of the Housing Agency, the Comptroller and Auditor General requested information regarding HomeBond's operations in relation the Pyrite Remediation Scheme, the information of which was duly supplied.

Appendix A - Summary of Applications Submitted as at 30th September 2016

Local Authority	Applications
Dublin City Council	28
Dún Laoghaire-Rathdown Co. Co.	9
Fingal County Council	906
Kildare County Council	20
Meath County Council	366
Offaly County Council	25
South Dublin County Council	12
Grand Total	1366

Stage	Applications
1. Application & Validation	154
2. Damage Assessment/Verification	92
3. Planning/Scheduling & RWP Preparation	285
4. Tendering & Tender Analysis	80
5. Decision to Contract	123
6. Dwelling Remediation	116
7. Retention Period – 12 months	448
8. Application Closed	68
Grand Total	1366

County/Area	Applications
Dublin	745
Balbriggan	266
Ballyboughal	3
Donabate	66
Kinsealy	13
Lucan	1
Lusk	229
Malahide	1
Newcastle	13
Oldtown	1
Portmarnock	2
Rush	139
Skerries	2
Sutton	1
Swords	8
Dublin 11	4
Cappagh	1
Finglas	1
Meakstown	2
Dublin 15	143
Ashtown	8
Blanchardstown	8
Castleknock	12
Clonsilla	2
Hollystown	2
Mulhuddart	109
Ongar	2
Dublin 16	9
Ballinteer	9
Dublin 17	1
Balgriffin	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	366
Ashbourne	221
Ballivor	1
Clonalvy	1
Dunboyne	43
Dunshaughlin	25
Enfield	57
Kilbride	1
Kilmessan	1
Kinnegad	1
Longwood	1
Navan	2
Rathmolyon	2
Robinstown	1
Summerhill	7
The Ward	1
Trim	1
Offaly	25
Edenderry	25
Grand Total	1366

Appendix B – Status of Applications up to 30th September 2016

Status	Applications
In Validation Process	154
Validated and awaiting verification	92
Included in Scheme	1052
<i>Planning/Scheduling</i>	126
<i>Preparation of Specification & Tender</i>	159
<i>Tendering & Tendering Analysis</i>	80
<i>Decision to Contract</i>	123
<i>Remediation Works</i>	116
<i>Works Complete & Certified</i>	448
Closed	68
Grand Total	1366