



Pyrite Resolution Board

Procedures for hearing and determining appeals under Section 27 of the Pyrite Resolution Act 2013

Introduction

This document contains the procedures prescribed by the Pyrite Resolution Board (PRB) 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.

Please note that this procedure does not apply for appeals under Section 28 of the Pyrite Resolution Act. Under Section 28 of the Act, a decision of the Board under section 18(3)(b) or a decision to defer under section 19(3) or (6)(a) may be appealed to an appeals officer, who shall be appointed by the Minister.

Right of Appeal

A person who has applied for inclusion of a dwelling in the Pyrite Remediation Scheme ('the applicant') may appeal against a decision made by a Decision Maker to:

(a) refuse an application (following the Validation Process) under Section 15(6)(b) of the Pyrite Resolution Act 2013, or

(b) exclude a dwelling from the Pyrite Remediation Scheme (following the Assessment, Verification and Recommendation Process) under Section 18(1)(a)(ii).

Time Deadline for Appeal

The applicant will be notified by email and post within 21 days of the making of the decision by the Decision Maker.



The appeal must be submitted to and received by the Board **within 28 days** of the date of the issue of the notification of the decision.

Form of Appeal

An appeal must:

- a) be submitted on the prescribed appeal form in hardcopy or electronic format;
- b) include the application reference number;
- c) specify name and address of the applicant(s);
- d) specify the address of the dwelling to which the application relates;
- e) be signed and dated;
- f) state the grounds of appeal, considerations and / or the arguments upon which the appeal is based.

An appeal may also:

- (i) be accompanied by the supporting documentation where applicable;
- (ii) include evidence to support the appeal;
- (iii) state if an oral hearing of the appeal is requested.

Note

An appeal received after the expiry of the appeals deadline, which is incomplete or which does not meet the submission requirements as set out in a) to f) above will be deemed invalid.

The prescribed Appeal Form can be downloaded from the following link - <https://www.pyriteboard.ie/Submit-an-application/How-can-I-appeal.aspx>. Appeals submitted using other formats will be deemed invalid.

An appeal may be sent by post to the General Manager, Pyrite Resolution Board, 7 Eastgate Avenue, Little Island, Cork, T45 RX01 or submitted by email to info@pyriteboard.ie.

The Board will not consider any supplementary documents, particulars or other



information submitted by an applicant after expiry of the appeal period, other than additional material requested by the Board.

When submitting documentation you are advised to:

- *use A4 paper wherever possible;*
- *number the pages of the documents;*
- *make sure photocopied and scanned documents are clear and legible;*
- *use black and white for text unless colour is essential;*
- *put any photographs (both originals and photocopies should be in colour), maps, plans, etc. in a separate appendix and cross reference them within the main body of the document;*
- *ensure that the scale and orientation of any maps and plans are shown clearly.*
- *not to send original documents unless specifically requested.*

Please note that documents or photographs will not be returned.

Acknowledgement of an Appeal

When the PRB receives a valid appeal, an acknowledgement with an appeal reference number will be issued to the applicant.

Consideration of an Appeal

1. On receipt of a valid appeal the Board will appoint a member of staff of the Board having suitable qualifications and competence ('the Reporter') to review the appeal, conduct an oral hearing, if so instructed, and submit to it a report (including a recommendation) on the appeal.
2. The Reporter will refer the appeal to the Decision Maker and, if relevant, the Housing Agency and require the Decision Maker and the Housing Agency (if relevant) to furnish their observations on the appeal.
3. Where observations received under paragraph 2 above, raise issues that have not been addressed in the appeal, the Reporter may, where he or she considers it



necessary in the interest of natural justice, refer such observations to the applicant for comment.

4. Where, on consideration of an appeal, the Board or the Reporter considers that it, he or she requires evidence of any matters referred to in the appeal or further information relevant to the appeal, it, he or she may request the applicant to supply such evidence or information within a specified period, not exceeding 21 days. If the applicant fails to comply with such a request, the Board may determine the appeal on the basis of the information already before it.

5. Where the appeal contains a request for an oral hearing of the appeal, the Board will consider such request and, if it considers that an oral hearing would significantly aid its understanding of relevant matters, the Board will grant the request and arrange for the hearing.

6. Where on consideration of an appeal, the Board considers that an oral hearing would significantly aid its understanding of relevant matters, the Board may request the applicant to attend an oral hearing of the appeal. If the applicant fails to indicate his / her agreement to such a request within 21 days, the Board may determine the appeal on the basis of the information already before it.

7. The Board may request any person who has information relevant to the appeal to attend an oral hearing and may take account of information or evidence obtained from that person at the hearing in determining the appeal.

8. The Reporter will conduct an oral hearing of the appeal, where the Board instructs him or her to do so having considered:

- (i) the appeal, including any request for an oral hearing
- (ii) any recommendation from the Reporter that an oral hearing be held.

9. If during an oral hearing an applicant raises matters which have not been set out in the original appeal, the Reporter may, at his or her discretion, decide to reject the new matters as being outside the scope of the appeal.



10. The Reporter may examine the applicant or any other person present at the oral hearing in relation to matters that he or she considers necessary in order to obtain information that would aid the Board in its understanding of matters relevant to the appeal.

11. In making its decision on an appeal, the Board will consider:

- (i) the content of the appeal;
- (ii) all information furnished with the application;
- (iii) where relevant, the recommendation of the Housing Agency;
- (iv) the reasons for the decision of the Decision Maker;
- (v) the observations of the Decision Maker on the grounds of appeal;
- (vi) written or oral submissions made by the applicant(s) and any additional information furnished with the Appeal or in response to a request by the Board for further information;
- (vii) the report of the Reporter, including any report of an oral hearing designated by the Board to report on the appeal.

Appeal Decision

A decision of the PRB determining an appeal against the refusal of an application under Section 15(6)(b) of the Pyrite Resolution Act 2013 will either:

(a) revoke the decision of the Decision Maker to refuse the application (following the Validation Process), in which case the application is referred to the Housing Agency for the Assessment, Verification and Recommendation Process, or

(b) affirm the decision of the Decision Maker to refuse the application.

A decision of the PRB determining an appeal against the exclusion of a dwelling from the Scheme under Section 18(1)(a)(ii) of the Pyrite Resolution Act 2013 will either:

(a) revoke the decision of the Decision Maker to exclude the dwelling from the Scheme (following the Assessment, Verification and Recommendation Process) and



direct that the dwelling concerned is included in the Scheme, or

(b) affirm the decision to exclude the dwelling from the Scheme.

Notification of the Decision

A designated PRB member of staff will send a copy of the Board's decision on the appeal and reasons therefor, by email and post to the applicant and the Decision Maker within 21 days of the Board making its decision.

The decision notification letter will state that the decision can be appealed to the High Court on a point of law within 28 days.

Costs

The cost of making the appeal and any costs arising from attending or being represented at an oral hearing shall be the responsibility of the applicant.

Appeals to the High Court

The Pyrite Resolution Act 2013 provides that the determination of the Board of an appeal to be appealed to the High Court on a point of law not later than 28 days after the applicant received the decision. A decision of the High Court is final.

Offences and Penalties

It is an offence to furnish information that is false or misleading to the Board or an Appeals Officer for the purpose of inclusion of a dwelling in the Scheme. A person guilty of such an offence may be liable to a fine, costs and expenses.