

Pyrite Resolution Board (PRB)

Progress Report No. 5

Pyrite Resolution Act 2013 (Section 9)

1. Applications

The number of completed applications submitted since the launch on 26th February 2014 to 31st March 2015 was 697 spread across 33 developments containing multiple applications plus 49 single site applications. On average 6 applications per week were received in the first quarter of 2015.

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 583 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 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 Housing Agency.

3. 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, 496 dwellings have been included in the Scheme and applicants have been notified accordingly.

4. Tendering, Award of Contracts and Remediation

Of the 496 dwellings included in the Scheme, Engineers have been appointed to 17 projects covering 339 dwellings and the preparatory work, tendering for Works Contractors and remediation works follow.

- In 2014, a pilot project of 5 dwellings was completed.
- A second contract, remediating 20 houses commenced in mid-February 2015.

- Contractors have been appointed for 3 more remediation projects, totalling 72 dwellings in March 2015
- Tendering is underway for 5 further remediation projects, totalling 63 dwellings.
- Engineers are preparing Remedial Works Plans for 7 projects, totalling 179 dwellings. (Stage 3b under the Scheme).

It is expected to have in the order of 200 dwellings remediated in 2015. To date the Scheme has progressed in line with expectations and budget.

5. Prioritising and Programming of Remediation Works

A protocol has been developed with regard 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. Priority cases are identified and placed appropriately within the programme.

6. Refusal of Application and Exclusion of Dwellings

If the eligibility criteria of the Scheme are not met, a Decision Maker may decide to:

- (a) refuse an application following the Validation Process, or
- (b) exclude a dwelling from the Scheme following the Assessment, Verification and Recommendation Process.

11 dwellings have been refused following the Validation Process because the Scheme's eligibility requirements were not met. Most of the refusals relate to the dwellings having a damage condition rating of 1. A damage condition rating of 2 is required under the Scheme. A small number of cases relate to dwellings that do not meet the eligibility criterion with respect to the date of construction and completion of the dwelling.

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

7. 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 Board's website.

Of the 11 refused applications highlighted in Section 7 above, 3 valid appeals have been submitted. Two relate to dwellings recording a damage condition rating of 1 and one to the eligibility criterion with respect to the date of construction and completion of the dwelling.

The appeals process is progressing as per the Appeals Procedure.

8. 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 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 may 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. In a number of cases, progress towards an agreement with the builder/developer has been made and it is anticipated that some funds will be paid to the Board to contribute towards the cost of remediation.

9. Extension of the Scheme

The Minister has approved an amendment of the Scheme to include both the South Dublin and the Dún Laoghaire–Rathdown County Council areas. This amendment came into effect on 5 February 2015.

22nd April 2015

Appendix A - Summary of Applications Submitted as at 31st March 2015

Local Authority	Applications	County/Area	Applications
Dublin City Council	22	Dublin	368
Dún Laoghaire-Rathdown County Council	3	Balbriggan	119
Fingal County Council	441	Ballyboughal	2
Kildare County Council	15	Donabate	64
Meath County Council	190	Kinsealy	8
Offaly County Council	18	Lusk	98
South Dublin County Council	8	Malahide	1
Grand Total	697	Newcastle	11
		Oldtown	1
		Portmarnock	1
		Rush	61
		Swords	2
		Dublin 8	5
		Heytesbury Street	5
		Dublin 9	45
		Ballymun	1
		Santry	44
		Dublin 11	3
		Finglas	1
		Meakstown	2
		Dublin 15	50
		Ashtown	8
		Blanchardstown	1
		Castleknock	1
		Clonsilla	1
		Hollystown	2
		Mulhuddart	36
		Ongar	1
		Dublin 16	3
		Ballinteer	3
		Kildare	15
		Donadea	1
		Enfield	2
		Kilcock	3
		Leixlip	3
		Maynooth	6
		Meath	190
		Ashbourne	103
		Ballivor	1
		Clonalvy	1
		Dunboyne	22
		Dunshaughlin	21
		Enfield	28
		Kilbride	1
		Kilmessan	1
		Longwood	1
		Navan	2
		Robinstown	1
		Summerhill	6
		The Ward	1
		Trim	1
		Offaly	18
		Edenderry	18
		Grand Total	697

Appendix B – Status of Applications up to 31st March 2015

Status	Applications
In Validation Process	103
Validated and awaiting verification	87
Verified and awaiting decision to include/exclude	0
Included in Scheme	496
<i>Planning/Scheduling</i>	157
<i>Preparation of Specification & Tender</i>	179
<i>Tendering & Tendering Analysis</i>	63
<i>Remediation Works</i>	92
<i>Works Complete & Certified</i>	5
Closed	11
Grand Total	697