

Pyrite Resolution Board Progress Report No. 4 Pyrite Resolution Act 2013 (Section 9)

1. Applications Submitted

The number of completed applications submitted since the launch on 26th February 2014 to 16th January 2015 was 622 spread across 27 developments containing multiple applications plus 47 single site applications. On average 3 applications per week have been received since the last quarterly report.

A full breakdown of the applications received by county/area and current status is attached at Appendix A.

A summary of application statistics are also published in the 'Applications' section of the website. As applications advance through the remediation process and new applications are submitted, these figures will be updated.

2. Validation Process

a) Overview of Validation Process

The validation process is continuing and includes audit inspections of the damage in order to validate the information contained in the BCA. This involves an inspection of approximately 25% of all cases on each development plus all one-offs applications and overall the Damage Condition Ratings recorded have been satisfactory in all cases audited.

b) Damage Condition Rating 1 Applications

A total of 28 applications with a damage condition rating (DCR) of 1 have been received, of which 6 applications have progressed from a DCR of 1 to DCR of 2. These have been included in the Scheme.

While dwellings with a DCR of 1 do not qualify under the Scheme, consideration may be given under the "exceptional circumstances" at a later stage.

The protocol to deal with these cases is outlined as follows:

Where a dwelling with a DCR of 1 adjoins a dwelling with a DCR of 2, the Housing Agency will be notified. They will consider if exceptional circumstances apply when the Remedial Works Plan is being drawn up and inform the PRB accordingly. Throughout this process, the application is held at Stage 1: Application and Validation Process and the applicant will be notified of any change in status. To date, no properties with a DCR of 1 have been included in the Scheme.

Applications for dwellings that cannot be considered under “exceptional circumstances”, e.g. those dwellings that do not adjoin a dwelling with a DCR of 2, are being refused and the applicant notified accordingly. The applicant is informed that should the damage progress, resulting in a rating of 2, they may reapply.

c) Other Practicable Options

Guidance has been issued to Decision Makers on the application of the “alternative practicable options” requirement. Enquiries are still ongoing in respect of approximately 70 dwellings where legal actions and dispute resolution processes have commenced. See also “Contributions from Liable Parties” below.

3. Assessment, Verification and Recommendation Process

A total of 483 applications have been validated and referred to the Housing Agency for the Assessment and Damage Verification Process. A full breakdown of the applications validated by county and area is attached at Appendix B.

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.

The Housing Agency have established a methodology in relation to a testing programme for cases where earlier test results are not available. HomeBond are arranging testing as required and the results are submitted to HA.

4. 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, 321 dwellings have been included in the Scheme and applicants have been notified accordingly.

5. Tendering, Award of Contracts and Remediation

Of the 321 dwellings included in the Scheme, Engineers have been appointed to 12 projects covering 255 dwellings. The Housing Agency are currently tendering for Design Professionals to undertake the Remedial Works Plan / subsequent supervision of contracts for 66 dwellings.

A pilot project comprising of 5 dwellings commenced in early September 2014 and was completed and all houses handed back to the owners on 27th November 2014 - within the 12 week target.

A further contract for 20 houses has recently been awarded and is due to commence shortly. Tenders for 73 dwellings spread over a further 4 developments involving are due back before the end of January 2015 and tenders are due to issue on a further 49 dwellings before the end of January 2015. Normally, a start date is expected around 3 months from the date of issue of the tender.

Project Managers are appointed to act as a coordinator for each project and as a contact person for homeowners.

6. Prioritising and Programming of Remediation Works

A protocol has been developed with regards 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.

7. Refusal of Application and Exclusion of Dwellings

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

- (a) refuse an application following the Validation Process, or
- (b) exclude a dwelling from the Pyrite Remediation Scheme following the

Assessment, Verification and Recommendation Process.

Thus far, no dwellings have been excluded following the Assessment, Verification and Recommendation Process.

8. 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 website. To date, two valid appeals have been submitted and decisions are yet to be made on these cases.

9. 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 PR 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 will 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. A number of cases are proceeding satisfactorily and it is anticipated that funds will be paid to the Board to contribute towards the cost of remediation.

10. Guide for Scheme Participants

The Housing Agency have prepared a guide to provide further information to applicants, referred to as Scheme Participants, whose dwellings have been included in the Pyrite Remediation Scheme. The guide explains what is involved in Stages 3-8 of the remediation process and what is expected of Scheme Participants during these stages.

The guide also provides information to the Scheme Participant on other aspects of the Scheme such as the programming of remediation works, the Homeowner's Agreement, the process for recouping expenses etc.

In addition, at the end of the guide there is a section answering frequently asked questions from Scheme Participants.

11. Extension of the Scheme

The Board has approved an amendment of the Scheme to include both the South County Dublin and the Dún Laoghaire–Rathdown Council County Council areas. Ministerial approval is awaited.

12. Business Plan

The Board has approved the Strategy and Business Plan 2015 – 2016.

26th January 2015

Appendix A - Summary of Applications Submitted as at 16th January 2015

Local Authority	Applications
Dublin City Council	21
Fingal County Council	400
Kildare County Council	14
Meath County Council	170
Offaly County Council	17
Grand Total	622

Status	Applications
In Validation Process	139
Validated and awaiting verification	158
Verified and awaiting decision to include/exclude	4
Included in Scheme	321
<i>Planning/Scheduling</i>	66
<i>Preparation of Specification & Tender</i>	230
<i>Remediation Works</i>	20
<i>Works Complete</i>	5
Grand Total	622

County/Area	Applications
Dublin	320
Balbriggan	104
Ballyboughal	2
Donabate	59
Kinsealy	7
Lusk	85
Malahide	1
Newcastle	3
Oldtown	1
Rush	56
Swords	2
Dublin 8	5
Heytesbury Street	5
Dublin 9	43
Ballymun	1
Santry	42
Dublin 11	3
Finglas	1
Meakstown	2
Dublin 15	50
Ashtown	8
Blanchardstown	1
Castleknock	1
Clonsilla	1
Hollystown	2
Mulhuddart	36
Ongar	1
Kildare	14
Enfield	2
Kilcock	3
Leixlip	3
Maynooth	6
Meath	170
Ashbourne	85
Ballivor	1
Clonalvy	1
Dunboyne	21
Dunshaughlin	21
Enfield	28
Kilbride	1
Kilmessan	1
Longwood	1
Navan	1
Robinstown	1
Summerhill	6
The Ward	1
Trim	1
Offaly	17
Edenderry	17
Grand Total	622

Appendix B – Summary of Applications validated up to 16th January 2015

County/Area	Applications	Apartment	House
Dublin	224	11	213
Balbriggan	90	3	87
Ballyboughal	2		2
Donabate	1		1
Kinsealy	6	1	5
Lusk	72	5	67
Oldtown	1		1
Rush	51	2	49
Swords	1		1
Dublin 8	5	5	
Heytesbury Street	5	5	
Dublin 9	40	39	1
Ballymun	1		1
Santry	39	39	
Dublin 11	3		3
Finglas	1		1
Meakstown	2		2
Dublin 15	46	2	44
Ashtown	8		8
Blanchardstown	1	1	
Mulhuddart	36	1	35
Ongar	1		1
Kildare	13		13
Enfield	2		2
Kilcock	2		2
Leixlip	3		3
Maynooth	6		6
Meath	137		137
Ashbourne	76		76
Ballivor	1		1
Clonalvy	1		1
Dunboyne	4		4
Dunshaughlin	21		21
Enfield	24		24
Kilmessan	1		1
Navan	1		1
Robinstown	1		1
Summerhill	6		6
Trim	1		1
Offaly	15		15
Edenderry	15		15
Grand Total	483	57	426