



Pyrite Resolution Board Progress Report No. 2 Pyrite Resolution Act 2013 (Section 9)

1. Online Application

The online application process was launched on 26th February 2014 and can be accessed by applicants on the Board's website www.pyriteboard.ie.

2. Applications Submitted

The number of completed applications submitted since the launch to 4th July 2014 was 521 spread across 26 developments containing multiple applications plus 47 single site applications. Of the single site applications, approximately 45% are one-off developments and the remainder are single applications on larger developments.

The application system indicates that 35 individuals have commenced but not yet completed applications.

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

The total of 521 includes 3 applications for Newcastle, Co. Dublin. Newcastle is in the South Dublin County Council functional area and therefore does not fall within the geographical areas specified in the Scheme's eligibility requirements. The Board is currently considering a proposal to extend the pyrite remediation scheme to include this area.

3. Validation Process

a) Overview of Validation Process

The validation process essentially has two elements to it:

- i. Assessment of applications for compliance with the eligibility criteria (including assessment of 'practicable alternative options').
- ii. An audit of the Building Condition Assessment to ensure that the dwellings have the requisite level of damage.

As part of the audit process all Building Condition Assessments are subjected to a desk study by a Decision maker and in 25% of cases a site visit is carried out to validate the information in the BCA.

Thus far the audit process has been completed in respect of approximately 90% of applications received. While there can be some differences in attributing values to various elements of the dwelling, overall the Damage Condition Ratings recorded have been satisfactory in all cases audited.

b) Damage Condition Rating 1 Applications

A small number of applications with a Damage Condition Rating (DCR) of 1 have been received. While these do not qualify under the Scheme some may be considered under the “exceptional” heading at a later stage. A protocol has been agreed for dealing with these which will be implemented shortly.

Under this protocol, 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.

Should a dwelling not adjoin a dwelling with a DCR of 2, the application will be refused and the applicant notified accordingly. The applicant will also be 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 230 dwellings where legal actions and dispute resolution processes have commenced. See also “Contributions from Liable Parties” below.

4. Assessment, Verification and Recommendation Process

A total of 206 applications spread over 18 different developments (plus 11 single site 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.

Thus far, dwellings that the Housing Agency have verified and recommended for inclusion in the Scheme, have been based on existing test results where available. The Housing Agency, in collaboration with HomeBond, are in the process of establishing a testing programme for cases where earlier test results are not available.

5. 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 52 dwellings have been included in the Scheme and applicants have been notified accordingly.

6. Construction Design Professional Panels

The Housing Agency has carried out a public procurement process to establish Framework Agreements for design professionals, split into two Lots:

Lot 1: Remediation of 7 or more dwellings.

Lot 2: Remediation 6 or less dwellings.

Following assessment, seven Construction Design Professionals are included in Lot 1 and six in Lot 2. Agreements have been signed by the Agency with the successful tenderers and the list has been posted on www.etenders.ie.

7. Contractor Panels

The Housing Agency has been conducting a similar procurement process to establish Framework Agreements for contractors to carry out the remediation works. This is also split into two Lots as for the design professionals.

Following assessment, eight contractors are included in Lot 1 and eight in Lot 2. Agreements have been signed by the Agency with the successful tenderers and the list has been posted on www.etenders.ie.

8. Agreement between the PRB and HomeBond

An agreement was signed on 19th June 2014 between the PRB and HomeBond regarding HomeBond's contribution to the implementation / administration of the Pyrite Remediation Scheme. The Agreement came into effect the following day and is subject to an annual review.

The Agreement sets out the contribution by way of staffing and services in the following areas:

- Assistance to the Pyrite Board
- Provision of sampling, testing and reporting on subfloor materials
- Project Management support to the Housing Agency
- Structural Warranty for completed work.

9. 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.

10. 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.

Enquiries made by the PRB in assessing the 'alternative practicable options' requirement have revealed a number of actions or potential settlements in favour of builders/developers.

Solicitors and builders representatives have been in contact with PRB with a view to progressing actions or settlements and getting the necessary cooperation from homeowners.

It also seems that settlements being negotiated in some cases might not meet the full costs of remediation, but that the builders/developers wish to find a mechanism that would contribute towards the Pyrite Remediation Scheme. These parties are currently considering proposals, dealing with all of the circumstances, including the provisions of the Pyrite Resolution Act, which they would then bring to the PRB.

It remains to be seen what these efforts will achieve, but it seems appropriate that the Board should agree that as much funds as possible be contributed from those liable for the pyrite damage, while not unduly delaying or frustrating homeowners in their need to have their

damaged dwellings remediated. Homeowners and their representatives have sought assurance that they would not be disadvantaged by cooperating with builder/developers in their actions. This has been tacitly acknowledged subject to receiving satisfactory proposals that can be legally recommended.

The PRB is taking legal advice in some cases and, conscious of the desire of applicants to see progress in their applications, is actively working to resolve these issues as quickly as possible.

Appendix A - Summary of Applications Submitted as at 4th July 2014

Local Authority	Applications
Dublin City Council	17
Fingal County Council	345
Kildare County Council	12
Meath County Council	133
Offaly County Council	14
Grand Total	521

Status	Applications
In Validation Process	312
Validated and awaiting verification	127
Verified and awaiting decision to include/exclude	27
Included in Scheme	52
Not considered*	3
Grand Total	521

* 3 applications are not being considered as they fall outside the geographical area covered by the Scheme's eligibility criteria.

County/Area	Applications
Dublin	268
Balbriggan	87
Ballyboughal	2
Donabate	51
Kinsealy	5
Lusk	69
Newcastle	3
Rush	49
Swords	2
Dublin 8	1
The Coombe	1
Dublin 9	43
Santry	42
Ballymun	1
Dublin 11	3
Finglas	2
Meakstown	1
Dublin 15	46
Ashtown	8
Blanchardstown	1
Castleknock	1
Clonsilla	2
Hollystown	2
Mulhuddart	32
Kildare	12
Enfield	2
Kilcock	3
Leixlip	3
Maynooth	4
Meath	134
Ashbourne	67
Ballivor	1
Clonalvy	1
Dunboyne	9
Dunshaughlin	19
Enfield	27
Kilmessan	1
Navan	1
Oldtown	1
Robinstown	1
Summerhill	5
Trim	1
Offaly	14
Edenderry	14
Grand Total	521

Appendix B – Summary of Applications validated up to 4 July 2014

County/Area/Estate	Applications	Apartment	House
Dublin	58	2	56
Balbriggan	11	1	10
Ballyboughal	2	0	2
Donabate	1	0	1
Rush	44	1	43
Dublin 9	38	38	0
Santry	38	38	0
Dublin 15	9	0	9
Ashtown	8	0	8
Ongar	1	0	1
Kildare	5	0	5
Enfield	1	0	1
Maynooth	4	0	4
Meath	87	0	87
Ashbourne	55	0	55
Ballivor	1	0	1
Dunshaughlin	18	0	18
Enfield	10	0	10
Robinstown	1	0	1
Summerhill	2	0	2
Offaly	9	0	9
Edenderry	9	0	9
Grand Total	206	40	166