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Building Regulations are in a Terrible State, but I Have a Solution

Lorcan Sirr

Technological University Dublin, lorcan.sirr@tudublin.ie

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Springing back into action with brisk sales

LINDA DALY
MARKET WATCH



WITH St Patrick's Day, Easter and the 1916 commemorations, it's been a long, action-packed mid-term break. The property market had its own hiatus over the past two-and-a-half weeks, and now it's gearing up. Expect fine urban properties and stately piles, with stud farms to hit the market in May and June. Patience has been the watchword for estate agents, and the first months of the year saw many pushing sales over the line.

Netterville Manor, in Co Meath, has gone sale agreed through Knight Frank, after almost a year on the market. Meanwhile, Sherry FitzGerald has brought Rathvinden House, a five-star guesthouse in Co Carlow, to the sale-agreed stage after 10 months.

The Dublin market is brisk, with some quick turn-arounds. No 6 Nashville Park in Howth, a €1.45m gothic Victorian home, went sale agreed four weeks after coming on the market. The €1.75m Billows in Sandycove sold after six months. Pockets around Dublin are hotbeds of activity: the hinterland not so much.

The Central Statistics Office released figures last week that surprised no one. In the year to February, national house prices rose by 8%. Dublin residential property prices were down by 0.1% in February, but were 4% higher than a year ago. The rest of Ireland saw a jump of 11.5% year on year. With many agents predicting a glut of properties over the next few weeks, it will be interesting to see the effect on transactions across the board.

Unlike the rental market, prices are still way behind 2007. Dublin prices are 35.1% lower than at their highest in 2007, while apartments are 40.9% lower than nine years ago. It's one positive in a market stymied by lack of building, unrealistic mortgage thresholds and confusing regulations.

Price watch: Co Kilkenny

Berkley Lawn Thomastown
4-bed semi

2012 €130,000

2016 €178,500

Up 37%

Richview Castlecomer Rd
4-bed detached

2012 €287,500

2016 €390,000

Up 36%

Lintown Hill Kilkenny
2-bed apartment

2012 €85,000

2016 €120,000

Up 41%

Poyntz Lane Kilkenny
2-bed apartment

2012 €40,500

2016 €67,500

Up 67%

Source: propertypricesregister.ie



Having good housemates can improve your social life

Crowded house

Sharing accommodation can soften the pain of soaring rents and expand your social circle, but beware the housemate from hell, says Eithne Dunne

Paul Norton has a host of stories to impart from the 16 years he spent house-sharing. There's the time he shared with an unhygienic person. "She would leave her mess everywhere — you'd trip over dirty dishes on the floor, pots would be left in the sink for days, and you'd find personal hygiene items in the washing machine. The smell emanating from her room was gross. Then, because their personal hygiene is so poor, you begin to question your own," he recalls.

"Luckily we also shared the house with a clean freak who made up for the smelly one by scrubbing the place. Had she not been there we could have died in our own filth."

There have been funny incidents, too, such as the housemate who expressed herself loudly between the sheets. "You'd be tiptoeing around the house for fear they'd remember you were there," Norton says.

He progressed from being a student to a professional who house-shared, and he says dividing the household bills was one of the big benefits. There were also fun times.

"When you're younger and you're friends with your housemates it's good craic. You've got a social outlet. I had a great time, and made really good friends, but as you grow older you become set in your ways and it becomes less possible to tolerate the idiosyncrasies of your fellow man, at which point you need to leave or you'll drive yourself demented."

In 2013, Norton decided it was time to live alone after "a long process of

attrition" where he would come home from work knowing a fellow housemate would always be in the kitchen, hogging the television (she made him watch the same romantic comedy five times in six months), or sprawling all over the couch.

"It starts to really wear on you that this person is always there and taking over everything. If you clash with a housemate it just becomes hellish," he says.

With rents on the increase, the economic advantages of sharing a place with others are clear, but this is not the only reason many professionals opt to hang their hat with strangers.

Martin Clancy, of Daft.ie, which started out as a house-sharing site, says sharing is a good way to build a social network and meet new people, especially for anyone new to an area. "Also, some people don't want to live alone. Sharing gives them that degree of security, knowing someone is there in case of an emergency."

While it is difficult to get the measure of someone in the few minutes you get to view a property, it's important to have some sense of the people you will be sharing with. "If you rent a property as a group and sign a lease together, you can be held 'jointly and severally liable', so it's important to know who you're going into it with," says Diarmaid O'Sullivan, Galway manager of housing charity Threshold. "If one person were to abscond and not pay, the remaining tenants could be left liable. Or, in extreme circumstances, if there were damage caused to the property by one tenant, the others could be held liable."

After that, he says, it is down to

whether you think you will "fit" with the other tenants. "It's difficult to advise on that; it's a very personal thing as to whom you feel you will get on with."

Clancy advises finding out as much as you can about your co-tenants when you first meet them. "Make sure you ask the right questions; it's a good opportunity to discuss whether they cook or clean, and whether they're neat. Share a bit about yourself also."

Aurora Perez Machio is a graphic designer who spent 10 years house-sharing in six properties around Dublin. She says it is difficult to assess a place as well as its occupants in a short space of time. "You have about 15 minutes to decide if you'll like the place and the people. That's impossible; you'll have a first impression but that can be wrong," she says.

Her advice is to view a place twice if possible. "Focus on the place the first time, and on the people the next. Also, bring a friend if you can. Ask them to try to get a sense of the place and the people."

IT STARTS TO REALLY WEAR ON YOU THAT THIS PERSON IS ALWAYS THERE AND TAKING OVER EVERYTHING

Getting on with the people you live with is massively important."

Although many tenancies exist without any specific "house rules", the general advice is to take a more organised approach.

"Draw up rules, including who's responsible for various bills and when contributions will be made," says O'Sullivan. "Make sure there's a good record of that. We usually advise that responsibility for bills is shared, so one person takes charge of electricity, another broadband and so on."

In some situations, however, there is a "head tenant" who takes on the bill-paying role and collects contributions from the other tenants.

O'Sullivan's advice to people joining an existing tenancy is to, where possible, get their name on the lease. "You can have 'licensee' situations whereby you are not formally a tenant of a landlord but a tenant of a tenant. There's nothing wrong with that, and after six months you can formally become a tenant, but if it's possible to get your name on the lease, it's advisable."

If a tenant leaves, the liability to the landlord continues. "There are no hard-and-fast rules as to who is responsible for filling the room, but the norm is that the tenant leaving would find someone to replace them," says O'Sullivan.

Laying down house rules may help you avoid disputes further down the line. Although tenants' rights are governed by law, inter-tenant issues are not. Tenants have to work it out among themselves, or move on.

When it comes to cleaning, be clear as to what is expected: draw up a roster if it



'Be honest with your housemates — and have a film night each week'

John James Freer and his colleague Caroline Caffrey share a two-bedroom apartment with their partners in Ballsbridge, Dublin.

Both couples had been looking to rent a place for a while — Freer for a year and Caffrey for six months — but prices were too high.

"We wanted to live near work and in an area we liked, so we were looking at €1,600-plus for a one-bedroom apartment," says Freer. "You'd get a two-bedroom for €2,100."

It made economic sense for the couples to go in together. Freer had known Caffrey for 18 months — they work on the same team — and was sure they would be compatible. "We're understanding with each other. If I say I like something about the house, she listens to me, and vice versa," he says.

The arrangement didn't come a minute too soon. Caffrey was with her parents and Freer and his husband had been living apart for seven months because they couldn't afford a place together.

The home-sharing is working out well, and the housemates watch a film together each Sunday. Freer looks after the bills, sending the others a screenshot of their share.

"It was Caroline's first time of living out of home, so I took it on board," he says. "I'm a bit of a control freak when it comes to money and online accounts. We don't have a kitty. We have separate bathrooms and buy our own washing powder."

To professionals looking to share a house for the first time, he says: "You'll be sharing with those people for a year, so don't go into it without full honesty."

Work colleagues Caffrey and Freer share a home successfully

Building regulations are in a terrible state, but I have a solution

Inspection of buildings by the state during construction and on completion has led to a huge gap in Ireland's building history. An almost total lack of state inspection — and, since 1990, a reliance on self-regulation — has contributed to situations such as those at Priory Hall in Dublin and Millfield Manor in Kildare.

In the case of Priory Hall, residents were forced out of their homes because they were a fire hazard. Last year, six homes in a terrace were gutted at Millfield Manor within 20 minutes.

It's not even that there has been a lack of systematic state inspection; there has been little commitment to supporting inspection. Self-imposed targets that 15% of all buildings be checked by a local authority building inspector resulted in just 3% of buildings being looked at at the height of the property boom. The remaining 97% were expected to be self-certified. So, of the 93,000 homes built in 2006 alone, about 90,000 of these may have not been inspected.

An architect or engineer would sign a form saying that in their opinion, usually based on a visual inspection, the building "substantially complies" with regulations. There was no requirement for the professional to have been present during the building process, so how could they certify this? Also, in most instances they would have been an employee of the builder. Surely this was a conflict of interest.

In typical Irish fashion, there were rules, but they were weak and enforcement was weaker. Is it any wonder that corners were cut and poor building ensued?

As construction lawyer Deirdre Ni Fhloinn points out, when defects are discovered by buyers, as at Priory Hall, they tend to have two problems. First, their building can be so defective that it is uninhabitable. Second, getting the builder to rectify mistakes is

almost impossible, resulting in the owners having to foot the cost.

Chasing builders through the courts is a time-consuming and generally fruitless process because many of them frequently set up companies specifically for each individual development and then wind them up upon completion.

In early 2014, the minister for the environment, Phil Hogan, introduced new building control regulations, commonly known as BC(A)R, to make sure standards were improved. This system is a mess, however, and is hindering the development of new housing.

The system still relies on self-certification. The builder may opt to employ an independent "assigned certifier" to sign on the dotted line, or they may be an actual employee of the builder themselves. In either case, they are in the pay of the builder.

As the certifier now carries the legal can in case of defects, they are charging a fee to reflect that added risk. The BC(A)R system also involves a huge paper trail, the collation of which is time-consuming and costly.



There has been little commitment to supporting building inspection

When the regulations were launched, Hogan estimated the cost of the services of an assigned certifier to be €1,000–€3,000 per house. The reality is more like €27,000 per apartment and €50,000 per house before VAT. No wonder house building is costly.

Amazingly, a 2015 review of the BC(A)R came up with nothing

new, except that now one-off house builders could opt out of the certification process, thus saving rural voters a huge sum of money. The idea of legal redress, and a latent defects insurance scheme, was not addressed in any substantive manner. Instead, as Ni Fhloinn says, the benefits to consumers are intended to result

from improvements in the building process.

The review did nothing to address the fact that certifiers can die, retire, go out of business, emigrate or let their insurance lapse. Nor did it address that developers can still wind up companies at will to limit their exposure to litigious buyers.

The only solution is to return to state inspection. There are about 70 building control inspectors in the country. The four large Dublin authorities surprisingly have only one each, while Wexford has three. The annual cost of employing the extra numbers needed (about 170 more) is €15m. This is a small beans in the context of the amount of building that happens here each year, and the numbers of people housed.

Irish consumers have suffered long enough from poor consumer comeback from cheap and sometimes dangerous building methods. They deserve better. But relying on an expensive paper trail of even more self-certification is not the way to ensure high-quality building into the future.

LORCAN SIRR
ON THE HOME FRONT

