

**REPORT ON THE FOURTH  
MONITORING OF HOUSING  
CONDITIONS IN DOLPHIN HOUSE  
RIALTO DUBLIN 8**

**RESEARCHED AND COMPILED BY  
THE RIALTO RIGHTS IN ACTION  
GROUP**

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## Background

On May 5th 2010 the Rialto Rights in Action Group held a Human Rights Housing Hearing at which the Irish Human Rights Commission (IHRC), leading academics in the field of human rights and housing, public representatives and the media, heard overwhelming evidence from residents of deplorable living conditions in many of the Dolphin House flats. These included sewerage invasion through toilets, baths, sinks and washing machines, corrosive damp in bedrooms, kitchens and bathrooms and mould containing pathogenic spores. All of these conditions have persisted for decades and pose a risk to residents' health as well as making for a generally poor quality of life.

The response from Dublin City Council had been completely inadequate according to the evidence presented at the May 5th Hearing by RRIAG.

The IHRC president Dr. Maurice Manning, supported by academics who are expert in human rights and housing, (Dr Padriac Kenna of NUI Galway and Professor Lorna Fox O Mahony of Durham University) said that these conditions clearly contravene the rights of residents under the United Nations Convention on Economic Social and Cultural Rights (CESCR), to which Ireland is a signatory. They further concluded that it is the responsibility of the Duty Bearer (the relevant minister) to vindicate the progressive realisation of these rights. This means that the state is compelled to ensure that people's rights under the Convention on Economic, Social and Cultural Rights are secured over a reasonable period.

At the Hearing the residents launched indicators, in line with the principle of progressive realisation. These are timed measures of progress towards the Human Rights Standard as defined by CESCR, which the residents intend to monitor over the coming twelve months. These indicators were endorsed by the panel including the IHRC as more than reasonable given the long history of sub-standard conditions in the complex. These indicators were then monitored by repeat door-to-door surveys of the 70 flats that provided the evidence for the first hearing.

Monitoring hearings have now been held on the following dates

1. (Benchmark hearing with launch of indicators May 2010)
2. October 2010
3. March 2011
4. June 2012

As table 1 shows between 2010 and June 2012, there was little progress in the realisation of rights for residents. RRIAG demonstrated beyond all doubt over this period the harmful effects of the living conditions on the physical and mental health of residents. Testing of the mould growing in flats was taken and the levels of the presence of *Aspergillus Fumigatus* spores were adjudged by experts to be extremely harmful to human health. The widespread use of inhalers, especially children and babies on the estate then came as no surprise. The repugnant liquid which invaded flats through baths sinks and washing machines was also tested and it was found that the faecal coliform content was alarmingly high – consistent with raw sewage.

Some things did gradually improve though. Dublin City Council acknowledged that the damp mould and sewage were structural issues and the responsibility of the landlord, rather than being the result of errant behaviour on the part of residents. Over time, engagement improved with residents to

solve the problems. It was recognised that regeneration was the only real solution, and the regeneration programme for Dolphin was revitalised. It was also recognised that there was a need for short and medium term solutions to the problems as residents could not be left for another decade in these deplorable conditions. Dublin City Council worked closely with RRIAG's independent expert Bill Scott to develop a high spec refurbishment of the worst affected flats.

## Monitoring Results

The sample survey is based on the figures supplied by Dublin City Council of the remediable and refurbishments works carried out in response to the initial survey in 2010 and complaints by residents since then. The Council initially responded by undertaking a programme of refurbishment of the flats with highest levels of mould and sewerage and also agreeing to effectively and appropriately to address the remaining flats with lower levels of mould and sewerage problems.

Dublin City Council figures states that in total 40 flats have been refurbished and have carried out remedial and maintenance works in additional 54 flats. Since 2012, 24 tenants have reported issues of mould, dampness and sewerage problems to Dublin City Council. Currently there are 8 flats that have been assessed by the Council with works to be carried out and 3 flats which they are due to visit in response to tenants complaints. Dublin City Council have informed the RRIAG that 4 tenants with mould and sewage issues did not want to move or have had works done themselves.

The Council figures indicate that the most of the works being carried out in response to tenants' complaints other than refurbishments relate to coked drains, leaking pipes and the installation of vents.

RRIAG has surveyed a sample of flats which featured in earlier surveys. The sample of 25 included 15 units that were refurbished by DCC. Of these 10 have no remaining issues with mould or dampness. However two of these are experiencing cracks in walls and ceilings. 5 of the refurbished flats surveyed continue to have incidences of mould or dampness on the walls and ceilings, while 3 have sewerage problems and ongoing issues with smells.

Residents in 5 of flats surveyed had reported mould or sewerage issues in 2010. Of these 3 had a remedial or maintenance works carried out by the Council including re-plastering of ceilings and repair of leaks. The remaining 2 were either in the process of having works done or being reviewed by the Area Maintenance Officer. Overall 3 out of the 5 surveyed were not satisfied with the response by the Council.

There were 8 flats surveyed who had reported mould or sewerage since 2012, Dublin city Council has responded by carrying out works to 7 flats including fixing leaks, replacing sinks and insulating walls. Residents in 3 out of the 7 which have had work done have expressed dissatisfaction with the works carried out with they didn't full resolve the issue or they feel the maintenance wasn't to a good standard. The remaining flat is due to be re-inspected by the Council shortly.

The sample survey carried out by the RRIAG demonstrates that Dublin city Council is responding to complaints, however a significant minority of tenants have indicated a dissatisfaction with the works carried out or the ability of these works to resolve the underlying problems. Despite refurbishments of flats it is clear that there are still issues for tenants living in these dwellings and that these works were only a short term measure. The underlying issue of substandard housing conditions can only be resolved by refurbishing the entire blocks and building new apartments as outlined in the Masterplan for Dolphin Estate.

RRIAG will continue to monitor complaints by the residents of Dolphin while the regeneration of the community is ongoing. While there is a commitment to build new homes for all those living in Dolphin Estate the right to adequate housing for those remaining in blocks which will form later stages of the physical regeneration should continue to be realised by Dublin city Council, the Minister for Housing and the Department for the Environment, Community and Local Government.

**FIG 1 Results of these surveys showed the following progress on the indicators**

<b>Indicator</b>	<b>Benchmark May 2010</b>	<b>% at 1<sup>st</sup> Monitoring October 2010</b>	<b>2<sup>nd</sup> Monitoring March 2011</b>	<b>% at 3<sup>rd</sup> Monitoring June 2012</b>
Indicator 1 Number of residents reporting dampness	72	77	80	72
Indicator 2 Number of residents reporting mould	64	66	68	63
Indicator 3 Number of residents reporting sewerage invasion/smells	89	77	82	57
Indicator 4 Number of residents concerned about health because of sewerage or damp	91	90	90	62
Indicator 5 Number of residents reporting dissatisfaction with response to issues of sewerage and damp	86	81	82	78
Indicator 6 Number of residents given no satisfactory information/explanation as to why problems occur	68	60	93	65
Indicator 7 Number of residents reporting no information given on how issues of dampness and sewerage are to be addressed	91	-	85	65
Indicator 8 Number of residents reporting that they are not included in decisions affecting them regarding dampness and sewerage	91	83	93	80

## **Regeneration -the next focus for RRIAG.**

Regeneration presents a major opportunity for the restitution of a range of economic social and cultural rights to Dolphin residents. It is acknowledged by both Dublin City Council and the Department of Environment that regeneration programmes are concerned not only by physical redevelopment, but a holistic development of the lives of people including in education health and employment.

*“Government remains fully committed to the regeneration of the estates and communities in our most disadvantaged areas. ....There is a requirement for regeneration projects to deliver more than just an improvement in the housing standards of an area, by taking a broader approach to addressing the socioeconomic and infrastructural deficits that contribute to the social exclusion of the community.”*

**Jan O’Sullivan TD Minister of State for Housing, March 2012,**

RRIAG sees this as no less than the respecting and fulfilment of human rights, progressively. We will be monitoring particularly in three areas:

### **Education**

Education is a right, not a privilege. Education can give young people the best start possible in life and set them on a path to opportunity and hope for the future, but full participation in school is a luxury that many children in Dolphin cannot afford, and many children’s education needs are not being met. 74% of children from the community are leaving primary school with a reading level below the national average. The consequence is that many will find it difficult to avail of the opportunities that secondary and third level education can offer. In fact the 2011 census shows that 36% of residents have completed education to primary level only, compared to 14% for the rest of the country while only 7.8% of adults in Dolphin Estate have completed 3<sup>rd</sup> level education (Levels 6-10 in the National Framework of Qualifications), compared to 29% nationally and 35.1% in Dublin.

In addition, the recent Social Regeneration survey undertaken by the Joint Regeneration Board indicated that 20% of the random sample of interviewees admitted that someone in their household had literacy difficulties.

It is clear that that many young people in Dolphin are not reaching their full potential due to the lack of resources being allocated in early year’s development and through the education system. RRIAG argues that these figures have to change so the young people growing up have their right to education fulfilled, this will involve the duty bearer The Department of Education and The Department of Children and Youth Affairs ensuring the educational disadvantage is addressed.

### **Community Facilities**



*'National policy makes it clear that sustainability is not confined to the physical environment...'*

*'Planning authorities should seek to ensure that facilities for social and cultural use, such as community centres, and personal and community development, such as resource centres, are available within the wider community'*

*'Community centres can act as a focus in helping to create a vibrant community, and their timely and accessible provision will contribute to the quality of life to be enjoyed by the residents'*

DoEHLG, Guidelines for Planning Authorities on. *Sustainable Residential. Development in Urban Areas*(2009).

The schematic Masterplan shows the preferred location for a new community facility. While the Department of Environment, Community and Local Government will provide a small amount of capital funding towards replacement community facilities as part of the Masterplan they have indicated that this will not cover the cost of fit out and will not be as extensive as in other projects serving larger populations e.g. Fatima, Ballymun.

In two recent surveys of the community, residents overwhelmingly stated they wanted to see the development of community facilities as part of the regeneration and highlighted the huge deficiencies in play facilities for young people and inadequacy of existing community facilities.

- Only 30% of residents surveyed classified the current community building as good
- 94% of residents felt that playgrounds in the area were poor or very poor.
- 83% of residents felt that sports facilities in the area were poor or very poor.

In order to create a new sustainable Dolphin estate that involves sustaining the existing community and fulfilling its human rights, addressing the social and economic infrastructure gaps are fundamental to this. RRIAG will monitoring progress to insure the provision of a new community centre, a recreational park, play and multi sports facilities as outlined in the Masterplan are realised.

## **Employment**

The Social Regeneration survey tells us that

- There was a rate of 34% unemployment among interviewees and only 6% of those interviewed were in full time employment
- Half of households (50%) had no employed person living there
- 38% of households had at least one person actively seeking employment, and 80% of this group had experience in the area that they were seeking employment in and 65% had completed a course or apprenticeship in the area.

This indicates that not only is there a serious unemployment problem on the estate, but that many people are willing and able to work.

RRIAG proposes that the Regeneration is seen as an opportunity to address this issue. We want to see regeneration include Community Benefit Clauses.

### **Community Benefit Clauses**

Community Benefit Clauses (CBCs) are a mechanism whereby a public body commissioning works can include specific clauses in its procurement contracts obliging any contractors to include certain social benefits in how it delivers on the contract. Typically, these relate to including a certain portion of the workforce from registers of long-term unemployed. CBCs are different from voluntary agreements with developers to employ some local labour. These are binding legal commitments of contract which are recognised under EU law.

In June of last year, RRIAG tabled a proposal that community benefit clauses would be part of procurement in relation to Dolphin House. This was accepted by the Joint Regeneration Board. Earlier this year Dublin City Council passed a resolution to consider CBs as part of all its public procurement. We are aware that DCC are actively investigating how to include CBCs in the Dolphin procurement, but we are concerned that they may opt for a watered down version based on voluntary agreement. RRIAG will be monitoring the use of CBCs as a way of using the regeneration programme to help address unemployment.

### **Regeneration Timeline**

While RRIAG is delighted that the long promised regeneration is finally underway, we wish to draw attention to the slippage in the timeline around its delivery. In December 2012, DCC furnished the community with a proposed timeline for regeneration. Bill Scott, RRIAG's independent consultant, estimated that this timeline could be shortened a little but was generally on target. (See fig 2) As things stand currently, the regeneration is already 9 months behind the 2012 schedule. Of most immediate concern is that the current transition programme, which was due to be completed at the end of this year, is also slipping.

The timeline represents the actualization of the progressive realisation of housing rights denied to Dolphin residents over decades. It is important that the State continues to stick to its commitments for that reason alone. However there are other real threats to the community if slippage is allowed.

1. Residents remaining in transition over extended periods are less likely to return, undermining a central principle of the regeneration; to sustain the community.
2. Residents remaining on the estate run the risk of their rights being further eroded, especially if housing conditions deteriorate and if they remain in partially de-tenanted blocks. This would see Dolphin move towards becoming the latest Dublin Ghost Estate.
3. In particular, RRIAG draws attention to the situation of senior citizens in Dolphin Park. They are to be housed in a new facility managed by an Approved Housing Body,. The conditions in which this vulnerable section of the Dolphin community have been living are deplorable. In their closing years, they deserve better. Dolphin Park should be part of the first phase of Regeneration.

RRIAG will be monitoring the delivery of the regeneration on time.

**FIG 2 Time line given to Design Group by DCC Dec 2012 and actual delivery to date**

	DCC estimate Months	Bill Scott recomend	Date	Actual Delivery
Needs to be formal indication on the Masterplan to DCC Design team from the Regen Board (community) before Council seeks approval from DOE to move to planning stage			April	
DOE approval to go to planning	1 -2	1	May	
Prepare Part 8 planning	3-6	2	July	
Part 8 formal planning process	3-4	3	October	June 2014
Approval from DOE & detailed design	12-15	8	June 2014	Oct 2014
Prep of final cost plan	2-6	2	Aug 2014	
Tender prep and approval with DOE	4-6	4	Dec 2014	
Contractor start on site	4-6	2	Feb 2015 (2yrs from now)	
Construction period	18-24	18	Aug 2016 (3 and a half yrs from now)	
Total time for completion Phase 1 (blocks 1/2 & com centre/park)	4yrs -6.4 yrs	3 and a half yrs (- 6months on dCC)		
Phase 2 (blocks 2/3/4)	18-24	18	Feb 2018 (5yers from now)	
Phase 3 (blocks 4/5)	18	18	Aug 2019 (6 and a half yrs from now)	
Phase 4 (long block)	18	18	Feb 2021 (8 yrs from now)	