

Outrage at inquest verdict on Dublin mother's death from hypothermia

Steve James
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On April 6, Dublin city coroner Dr Brian Farrell returned a verdict of “death by misadventure” over the death of Rachel Peavoy, a 30-year-old woman who died January 11, 2010 of hypothermia in her flat in Dublin, Ireland.

The verdict effectively exonerates the landlord, Labour-controlled Dublin City Council (DCC), despite evidence that the central heating system in the entire block in which Peavoy lived had been turned off in the weeks prior to her death. January 2010 was one of coldest spells in recent memory.

The outcome was met with dismay and anger from friends and relatives. Teresa Gavin, the lawyer for the family, immediately issued a statement calling for the Minister of the Environment, Phil Hogan, to hold a public inquiry into Rachel's death. Gavin said, “It is clear that there are significant problems with Dublin City Council's management of the Ballymun regeneration program.”

Ballymun is a large working class housing estate in north Dublin, Ireland, built in the 1960s. The estate was constructed with a district heating system that provided under-floor heating to around 2,800 flats in tower and medium-rise blocks. Over the last period, the estate has been in the process of “regeneration”. Many of the larger blocks have been pulled down. By contrast, money has been poured into sources of potential profit in the estate centre, which has been redeveloped under private-public partnerships.

Rachel Peavoy's medium-rise block in Shangan Road was in the process of being “de-tenanted” prior to demolition. In early 2010 only a handful of families were left in the poorly insulated, damp and run-down block. Due to Ireland's catastrophic financial crisis,

delays in the construction of replacement housing meant that the remaining tenants were trapped for months amidst numerous empty, windowless flats.

The inquest heard that Rachel, a healthy 30-year-old woman, loving mother of two children and full-time parent, who practiced kick-boxing in her spare time, died of cold. According to Dr. Ciaran Craven, counsel for the Peavoy family, this was a case “where a young woman with no other system disorder died of hypothermia” and “where there was ample evidence in relation to the heating not working.” Evidence was given that the heating supply to Rachel's block was turned off by DCC to save money, regardless of the consequences for the remaining tenants.

Pathologist Anthony Dorman confirmed that the cause of death was hypothermia—that is, the body's core temperature dropped below that required to maintain normal functions. January 2010 was the coldest January since 1963, with temperatures of minus 10 degrees centigrade recorded in Dublin. On January 11 the temperature was just above zero centigrade. Dorman also noted the presence of medications which might have caused drowsiness in cold conditions. Rachel suffered from anxiety, greatly intensified by her housing circumstances as a single isolated parent, in a block frequented by local youth with little to do.

The inquest heard that Rachel had repeatedly contacted DCC authorities, her lawyer and local politicians, requesting assistance for the lack of any effective heating in her flat. She attended her doctor's surgery December 15, 2009, requesting a letter for assistance with heating costs. She also wrote to then Housing Minister Noel Ahern.

A number of Rachel's friends and neighbours from the block reported similar experiences. Linda McLoughlin told the inquest that she had complained

repeatedly to DCC and her housing allocations officer about the heating in her own flat. Promises made on a visit by a housing inspector came to nothing. She confirmed that the heating in the Shangan Road block was not operating. The heating was normally turned off in the summer, and re-activated in September. In September 2009, however, the heating never came back on.

Ms. McLoughlin told the inquest that she had to use electric heaters in her flat, causing her power bill to soar from around €350 to €1,300 for the same period. She said that Rachel had joked with her that it was warmer outside her flat than inside it, a few days before she died. She also said that a fortnight after Rachel died, DCC switched the heating back on.

Another of Rachel's friends, Michelle Quigley, informed the hearing that she visited Rachel a few weeks before her death. She said Rachel's flat was too cold to have a shower and that despite the windows being closed, the curtains still moved in the draught. The two former school friends "sat on the couch in the living room with two duvets and a halogen heater ... I kept my coat on as it was too cold."

Rachel's sister, Leontia, said, "I was a regular visitor and each time I kept my coat on as it was so cold." Leontia was one of those who found Rachel's body, after her family were unable to contact her. Rachel's two children had spent the night with their grandmother.

Leontia explained, "On the day we found Rachel's body, there was no heat in the flat."

Another of Rachel's friends and neighbour, Dawn Sherry, told the inquest that she had also been forced to repeatedly contact DCC about the heating. Ms. Sherry and her three sons had been taken to sleeping in their living room for warmth. Inspectors eventually appeared but she said, "they were telling me there was heat in the flat when there wasn't. They were saying that they can test only one room and I said, 'Even body heat would make a room a little bit warmer'."

She had spoken to Rachel the day before she died. Rachel "said she hadn't been sleeping, she couldn't get the heat into her." Further evidence was provided by Garda Catriona Byrne that Rachel's flat was "freezing."

In response, DCC sought to evade all responsibility by denying that the heating was switched off.

According to council heating engineer Brendan Furlong, the heating was on but the nearby empty flats caused such heat as was being provided to leak out. Furlong claimed that a fitter visiting the flat had reported a temperature of 17 centigrade, although a letter from DCC to Noel Ahern accepted that the temperature was "below desired levels." The *Irish Mail on Sunday*, however, reported that it had seen documents from DCC setting a "target date" of January 27 to resolve heating problems at the flat.

DCC area housing manager Donal Barron told the inquest that he had been told by Garda inspector Andrew Waters that the windows were open in Rachel's flat at the time of her death. Waters later complained that Barron "misrepresented" him at the inquest and insisted that "he knew nothing of the specifics." Contradictory evidence was also heard from another friend of Rachel's, Jacqueline Johnson, who was present when Rachel's body was discovered.

In his verdict, city coroner Farrell sided with DCC. Despite evidence that the heating was, in the most favourable interpretation, completely ineffective, and numerous statements that it was turned off, Farrell's verdict of "misadventure" holds nobody except Rachel herself to blame. DCC, whose callous actions are unequivocally the primary factor in Rachel's death, was advised by Farrell in the mildest possible terms to review its procedures because "De-tenanting presents particular challenges both to the authorities but also to the tenants."

The verdict triggered a furious response. Rachel's uncle Michael Duffy told the coroner, "It's impossible to die of hypothermia if the heating is working—it's not logical." The dead woman's family and friends have taken up the campaign for a public inquiry. An online petition here has collected 1,943 signatures, while a march is planned for May 4.



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