

# Customer Appeals Form and Explanatory Notes

(To be used for one or more mortgage accounts)

Allied Irish Banks, p.l.c., AIB Mortgage Bank,  
EBS d.a.c. and Haven Mortgages Limited

**Reference: IRPD**

Tracker Redress Programme

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## General Instructions

Before completing this form, please read the explanatory notes overleaf:

1. This form should be completed by customers who are not satisfied with the Bank's redress package which have been set out in our letters to you and who wish to appeal the offer(s) and claim further redress and/or compensation from the Bank.
2. This form should be signed by all borrowers to the Mortgage Account(s) who are submitting this appeal or by a duly authorised person on behalf of the borrower(s). If you are a duly authorised person, please confirm the capacity in which you are signing the Appeals Form and include the original authority in order that the Tracker Panel may engage with you on all matters relating to the appeal.
3. Any customer who is a co-borrower may submit an appeal on their individual behalf should they wish to do so. Where possible, the Tracker Panel will endeavour to assess and determine together any appeals submitted by co-borrowers. If you are a co-borrower, submitting an appeal on your individual behalf, you will need to use best endeavours to obtain the signed consent of the other co-borrowers (specified in Section 5 of the Appeals Form) giving their permission to the Bank to provide a copy of the information and documents relating to your Mortgage (outlined in paragraph 6 of the Explanatory Notes overleaf including any other response submitted by the Bank) to the Tracker Panel for the purposes of assessing your appeal.
4. In responding to the questions set out in this Appeals Form, please include as much detail as possible. Where necessary, please use additional pages to fully address the questions raised marking each page with the question number it relates to. Please note that the Independent Secretariat may write to you seeking further information, documents or clarification in relation to your appeal.
5. **On completion of this form, please sign and send it, together with any additional documents, to the following address:-**

**Tracker Panel Independent Secretariat,  
C/O BDO  
Beaux Lane House,  
Mercer Street Lower,  
Dublin, 2**

### 6. Consent to Disclosure /Confirmation

Please note that by signing this form you are:-

- a) **Giving your permission to the Bank to provide a copy of the information and all relevant and associated documents, including but not limited to the loan agreement and terms and conditions and the security documents, relating to your Mortgage Account/s and including further responses submitted by the Bank to:-**
  - i. **The Tracker Panel, via the Independent Secretariat and;**
  - ii. **An independent law cost accountant in the event that the Tracker Panel considers it necessary to seek further advice in order to assess your claim for reasonable costs, via the Independent Secretariat.**
- b) **CONFIRMING that all information provided in this Appeals Form and any enclosed supporting documents is TRUE AND ACCURATE to the best of your knowledge and belief for the purposes of assessing your appeal.**

## Explanatory Notes

1. If you are not fully satisfied with the redress and compensation offer the Bank made to you, whether because you believe that you may have suffered additional losses as a result of the Bank's failure(s) or, because of any other aspect of the redress and compensation offer, you may submit an appeal to the Tracker Panel using this Appeals Form. The Tracker Panel will assess appeals for additional losses and/or appeals in relation to any other aspect of the redress and compensation offer.
  3. An appeal for additional losses in excess of the amount of the compensation payment in the redress and compensation offer may include financial losses and non-financial losses (including but not limited to inconvenience, harm, personal suffering and hardship).
  4. Two Tracker Panels have been appointed by the Bank to assess, on a case by case basis, appeals by certain categories of customers impacted by the Bank's failure(s).
2. Any appeal must be submitted within 12 months of the later of the date you received the letter from the Bank containing details of the final redress and compensation package offered to you, or the date you receive any revised offer from the Bank. You will be deemed to have received these letters the day after they were sent to you.

For the avoidance of any doubt, if you don't acknowledge receipt of the redress and compensation offer, you do retain the right to bring an appeal as above.

The Independent Appeals Panel will assess cases including:-

- Customers who have lost ownership of their property and/or
- Customers who are currently, or were previously, engaged in legal proceedings with AIB or EBS or Haven and/or
- Customers whose appeals have been referred to it by the Independent Redress Panel

The Independent Redress Panel will assess cases including:-

- Customers never in arrears
- Customers currently or previously in arrears and/or
- Customers who have entered into, or are entering into, a restructuring arrangement regarding their mortgage account(s)

Regardless of the decision of the Tracker Panel, you will be entitled to retain all redress and compensation amounts already offered and paid to you prior to the decision of the Tracker Panel (including any higher redress package offer that may be made to you by the Bank).

**5.** You will be entitled to recover the reasonable costs of engaging legal, accounting or other expert assistance in the following instances:

- For considering, preparing and/or pursuing an appeal (including at an oral hearing) if any aspect of your appeal is upheld either fully or partially (i.e. the Bank is required to pay you additional compensation or take other action over and above that set out in the original redress package of the Bank or any higher redress package offered and paid to you by the Bank);
- For considering, preparing and/or progressing an appeal which results in a higher redress package being given to you by the Bank, up to and including the costs associated with considering progressing with the appeal after the higher redress package is offered to you, regardless of whether the Tracker Panel directs us to pay additional compensation or take other action over and above that set on in the higher redress package.

In order to recover your costs you must submit a costs bill to the Tracker Panel via The Independent Secretariat together with a copy of all relevant supporting invoices, receipts etc., within 20 Business Days of:

- You having accepted the higher redress package offered and paid by the Bank and deciding not to progress your appeal;
- You having accepted the decision of the Tracker Panel regarding your appeal in circumstances where the Tracker Panel has upheld any aspect of your appeal; or

- The Tracker Panel decision, in circumstances where the Tracker Panel does not uphold any aspect of your appeal but the Bank has made a higher redress package offer to you.

If you do not succeed in your appeal before the Tracker Panel, you will be liable for your own costs for your appeal (save in circumstances where the Bank has made a higher redress package offer to you in which case you will be entitled to your reasonable costs up to the date that you confirmed that you intended to pursue your appeal before the Tracker Panel) but you will not be liable for the Bank's costs.

**6.** In order for the Tracker Panel to decide your appeal, you must provide the following information/ documents in Sections 1, 2 and 3 of this Appeals Form:-

- A description of the nature of your appeal together with any available supporting documents
- Where the appeal includes a claim for further compensation you will be required to support your claim by providing details of the additional compensation being claimed in respect of:
  - i. Financial losses, including if possible, a specific amount of additional compensation being sought, together with all available supporting documents (e.g., invoices, receipts etc.)
  - ii. Non-financial losses, which should include a detailed explanation of the type of losses and any other relevant circumstances
  - iii. An explanation as to why you believe that:-
    - The losses claimed by you were caused by the Bank's failure(s) and/or would not have occurred but for the Bank's failure(s)
    - It was foreseeable or should have been anticipated by the Bank that you would suffer the losses claimed as a result of the Bank's failure(s).
- Where the appeal relates to another aspect of the redress and compensation offer (other than the amount of the compensation offer) for example, a complaint in relation to the tracker interest rate included in the redress and compensation offer, an explanation as to what your specific appeal is, the background and reasons for the appeal and how you wish to have it resolved.

**7.** The following are examples of the types of supporting documents that you must include, if relevant, with this Appeals Form:-

- Receipts and invoices for the items for which you are claiming
- Letter(s) from your doctor or other medical specialists, as relevant
- Other documents which detail the losses/ expenses incurred by you and proof of payment of those losses/expenses.

8. The Appeals Form must be signed by all borrowers to the mortgage account(s) who are submitting this appeal or by a duly authorised person on behalf of the borrower(s), at Section 4, before it will be considered. For the avoidance of any doubt, if you are a co-borrower, you can submit this appeal on your own individual behalf should you wish to do so. If you are a co-borrower submitting this appeal on your individual behalf, **please note you must endeavour to obtain the written signed consent of all other co-borrowers confirming their permission** to the provision of information and documents by the Bank to the Tracker Panel (provided for at Section 5 of the Appeals Form) for the best purpose of assessing your appeal to the fullest extent possible. If you are unable to obtain the signed consent of all other co-borrowers you will need to evidence the endeavours made so that this information can be made available to the Tracker Panel for consideration.
  9. As explained in the redress and compensation offer, if you have any queries in relation to any aspect of the Tracker Redress Programme, the redress and compensation offer, the Bank's failure(s), or any related procedure or matter, the Bank has a dedicated team available to assist you with your queries and can be reached via the contact details listed in your redress and compensation letter. Once you have filed your Appeals Form with the Independent Secretariat to the Tracker Panel, they will correspond with you directly regarding your appeal, on behalf of the Tracker Panel and/or the Bank.
  10. The Tracker Panel will assess your appeal together with the information and documents submitted by the Bank and, if it determines the claim for additional redress and/or compensation to be valid, it may make a decision that an additional amount of redress and/or compensation should be offered to you by the Bank. The Tracker Panel can also direct us to take any action relating to our failures which it considers appropriate in the circumstances to address your concerns. This may include, for example, applying a different interest rate to your account or to offer you a mortgage product subject to satisfaction with our applicable lending criteria, and subject to suitability and availability and all other legal and/or regulatory requirements.
  11. The Tracker Panel may decide that you should be offered additional redress and/or compensation if:-
    - The losses you claim are not already covered by the redress and compensation offer(s)
    - It is established that the losses you suffered were caused by the Bank's failure(s) and/or would not have occurred but for the Bank's failure(s) and that the Bank should have anticipated that you would suffer the losses claimed as a result of the Bank's failure(s)
    - There is evidence in support of the losses you are claiming
- The following are examples of the types of losses which the Tracker Panel may consider. This list is not exhaustive and you may include with your appeal, losses which are not included below (provided they meet the criteria outlined above):
- Increased travel costs as a result of commuting
  - Alternative accommodation costs
  - Medical expenses.
12. At any time during the course of your Appeal you may request the Tracker Panel to hold an oral hearing by submitting a written request to the Independent Secretariat. It is the sole decision of the Tracker Panel on whether to hold an oral hearing or not. Please refer to section 6 of the Panel Rules as set out in the Terms of Reference and Panel Rules enclosed for further detail on how an oral hearing operates.
  13. The Tracker Panel will send you and the Bank a copy of its decision together with a written summary of the reasons for its decision which will include any directions to the Bank to make an additional payment if so determined.
  14. Regardless of the decision of the Tracker Panel, you will be entitled to retain the redress and compensation amount(s) already offered and paid to you in the redress and compensation offer (including any higher redress package offer that may be made to you by the Bank).
  15. If you are not willing to accept the Tracker Panel's decision, you have the right to pursue all alternative options, including making a complaint to the Financial Services Ombudsman (together with an appeal of any resulting decision of the Financial Services Ombudsman) and/or to the Courts.
  16. For further information please see the Terms of Reference and Panel Rules which is enclosed.
  17. On completion of this form, **please print, sign pages 11 and 12 and send it**, together with any additional documents, to the following address:-

Tracker Panel Independent Secretariat,  
 C/O BDO  
 Beaux Lane House,  
 Mercer Street Lower,  
 Dublin, 2

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## Section 1: Customer(s) details

### Borrower 1

Name	<input type="text"/>
Correspondence Address	<input type="text"/>
Work Phone	<input type="text"/>
Home Phone	<input type="text"/>
Mobile Phone	<input type="text"/>
Home Mortgage Account Number(s)	<input type="text"/>

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### Borrower 2

Name	<input type="text"/>
Correspondence Address	<input type="text"/>
Work Phone	<input type="text"/>
Home Phone	<input type="text"/>
Mobile Phone	<input type="text"/>
Home Mortgage Account Number(s)	<input type="text"/>

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### Borrower 3

Name	<input type="text"/>
Correspondence Address	<input type="text"/>
Work Phone	<input type="text"/>
Home Phone	<input type="text"/>
Mobile Phone	<input type="text"/>
Home Mortgage Account Number(s)	<input type="text"/>

## Section 2: Reason(s) for appeal

Please outline what aspects of the redress and compensation offer you wish to appeal. In order for the Tracker Panel to determine your appeal, you must provide the following information/documents in this Appeals Form:-

- A. A description of the nature of your appeal together with any available supporting documents.
- B. Where the appeal includes a claim for further compensation you will be required to support your claim by providing details of the additional compensation being claimed in respect of:
  - Financial losses, including if possible, a specific amount of additional compensation being claimed, together with all available supporting documents, e.g. invoices, receipts etc.
  - Non-financial losses, which should include a detailed explanation of the type of losses and any other relevant circumstances
  - An explanation as to why you believe that:-
    - i. The losses claimed by you were caused by the Bank's failure(s) and/or would not have occurred but for the Bank's failure(s)
    - ii. It was foreseeable or should have been anticipated by the Bank that you would suffer the losses claimed as a result of the Bank's failure(s)
- C. Where the appeal relates to another aspect of the redress and compensation offer (other than the amount of the compensation offer), for example, the level of the reduced interest rate we have applied to your account, an explanation as to what your specific appeal is, the background and reasons for the appeal and how you wish to have it resolved.

### Claim for additional losses

**(1) Please describe below details of any financial losses you have incurred as a result of the Bank's failure(s). Please describe each type of loss, specify the amount of each loss (where possible) and state what supporting documents (if any) you have enclosed with this form.**

Description of additional financial losses claimed

Amount €

Supporting documents

Description of additional financial losses claimed

Amount €

Supporting documents

Description of additional financial losses claimed

Amount €

Supporting documents

(2) Please describe below details of any non-financial losses (such as inconvenience, harm, personal suffering and hardship or related conditions) or other impacts you have incurred as a result of the Bank's failure(s). Please describe each type of loss and state what supporting documents (if any) you have enclosed with this form.

Description of additional NON-financial losses claimed

Supporting documents

(3) Please explain (providing as much detail as possible) why the Bank's redress and compensation offer does not adequately compensate you in respect of these additional losses.

(4) Please explain (including as much detail as possible) why and/or how the Bank's failure(s) caused the additional losses you have described above.

(5) Please explain why it should have been anticipated by the Bank that you would suffer the losses claimed as a result of the Bank's failure(s).

(6) If your appeal relates to any other aspect of the redress and compensation offer (which may be in addition to a claim for additional losses/further compensation), please indicate, in detail, what your appeal is and how you wish to have it resolved, e.g. a complaint in relation to the tracker interest rate included in the redress and compensation offer.

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### Section 3: Additional supporting documents

Please include a list of additional supporting documents (if any) which you have enclosed with this Appeals Form (which are not listed in Section 2)

1.		6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

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### Section 4: Signature, confirmation & declaration

I/We hereby confirm and warrant that all information which I/We have provided in this Appeals Form and in any enclosed supporting documents, is true and accurate to the best of my/our knowledge and belief.

I/We hereby acknowledge that the Bank and the Tracker Panel will retain and use the information provided by me/us in relation to this appeal and any information held by the Bank relating to the conduct of my/our mortgage account(s) to which this appeal relates, for the purposes of processing and managing the appeals process and all other purposes connected with the appeals process, and I/We consent to the use, processing, holding and storing by the Bank, the Independent Secretariat and the Tracker Panel of all such information for such purposes.

I/We hereby confirm that I/We consent to the Bank providing:-

- i. A copy of the information and all relevant and associated documents including but not limited to, the loan agreement and terms and conditions and the security documents relating to my/our Mortgage Account(s) including any other response submitted by the Bank to the Tracker Panel and;
- ii. Any relevant information relating to the conduct of the appeal to an independent law cost accountant in the event that the Tracker Panel considers it necessary to seek further advice in order to assess my/our claim for reasonable costs (please refer to paragraphs 3 and 7 of the Explanatory Notes) via the Independent Secretariat.

<b>*Signed</b>	<b>*Signed</b>
<input type="text"/>	<input type="text"/>
Date    Day    Month    Year	Date    Day    Month    Year
<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>

**\* Original signature required**

## Section 5: Signature, confirmation & declaration of other co-borrowers

I/We hereby acknowledge that the Bank and the Tracker Panel will retain and use the information provided by

\*\* (                          )\*\* in relation to this appeal and any information held by the Bank relating to the conduct of my/our mortgage account(s) to which this appeal relates, for the purposes of processing and managing the appeals process and all other purposes connected with the appeals process, and I/We consent to the use, processing, holding and storing by the Bank, the Independent Secretariat and the Tracker Panel or all such information for such purposes.

I/We hereby confirm that I/We consent to the Bank providing:-

- i. A copy of the information and all relevant and associated documents including but not limited to, the loan agreement and terms and conditions and the security documents relating to my/our Mortgage Account(s) including any other response submitted by the Bank to the Tracker Panel and;
- ii. Any relevant information relating to the conduct of the appeal to an independent law cost accountant in the event that the Tracker Panel considers it necessary to seek further advice in order to assess my/our claim for reasonable costs (please refer to paragraphs 3 and 7 of the Explanatory Notes), via the Independent Secretariat for the purposes of assessing the appeal of

\*\* (                          )\*\*.

<b>*Signed</b> <input type="text"/>	<b>*Signed</b> <input type="text"/>
Day      Month      Year Date <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	Day      Month      Year Date <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>

**\* Original signature required**

**\*\* Please insert the name of the customer who is lodging the appeal**

