

# THE BOROUGH OF BRENTWOOD



MUNICIPAL BUILDING - 3624 BROWNSVILLE ROAD  
PITTSBURGH, PA 15227-3199

Office 412 - 884-1500 FAX 412 - 884-1911

June 28, 2010

## VIA CERTIFIED MAIL

Mary Gradnik-Ballew  
3011 Brentwood Avenue  
Pittsburgh, PA 15227

## VIOLATION NOTICE

**Description of Real Estate that is the subject of this notice:** 3011 Brentwood Avenue, Pittsburgh, PA 15227 (hereinafter the "Subject Property")

**Statement of violation:** The Subject Property is in violation of the following Ordinances of the Borough of Brentwood.

### **Violation of Borough of Brentwood Ordinance 1133 (adopting the International Property Maintenance Code of 2009)**

- 108.1.1 Unsafe Structures**—the structure is damaged, decayed, dilapidated, and structurally unsafe.
- 108.1.3 Structure unfit for human occupancy**—because of the degree to which the structure is in disrepair, lacks maintenance, is unsanitary, etc, the code official has determined it is unfit for human occupancy.
- 108.1.5 Dangerous structure or premises**—the structure is dilapidated, deteriorated, decayed, unsafe for its use and occupancy, neglected and damaged.
- 108.2 Closing of vacant structures**—the structure is vacant and unfit for human habitation. **YOU ARE ORDERED THAT THE SUBJECT PROPERTY IS CONDEMNED AND YOU ARE TO CLOSE AND SECURE THE STRUCTURE WITHIN THE TIME PERIOD PRESCRIBED BELOW.**

- 110.0**        **Demolition**—the structure is so deteriorated, dilapidated, has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation. **YOU ARE ORDERED TO DEMOLISH AND REMOVE THE STRUCTURE WITHIN THE TIME PERIOD PRESCRIBED BELOW, OR IF THE STRUCTURE IS CAPABLE OF BEING MADE SAFE BY REPAIRS, TO MAKE SAFE AND SANITARY WITHIN THE TIME PERIOD PRESCRIBED BELOW. IF YOU FAIL TO COMPLY WITH THIS DEMOLITION ORDER WITHIN THE TIME PERIOD PRESCRIBED BELOW, THE STRUCTURE ON THE PROPERTY WILL BE REMOVED, AND THE COSTS OF SUCH DEMOLITION SHALL BE CHARGED AGAINST AND SHALL BE A LIEN ON THE SUBJECT PROPERTY UPON WHICH THE STRUCTURE WAS LOCATED.**
- 301.3**        **Vacant structures and land**—the structure is vacant and not maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.
- 302.1**        **Sanitation**—the Subject Property is not maintained in a clean, safe and sanitary condition.
- 302.3**        **Sidewalks and driveways**—the stairs are in a state of disrepair and contain hazardous conditions.
- 302.4**        **Weeds**—the Subject Property contains excessive weeds.
- 307.1**        **Accumulation of rubbish or garbage**—there is an accumulation of garbage on the porch and side of the building.

**Correction Order:** These conditions are a violation and are contrary to law. You are ordered to correct these violations within twenty days (20) of the date of this Violation Notice. Failure to comply with the foregoing will render you liable for the costs of removing the violations and penalties under the Borough of Brentwood Code of Ordinances, the International Property Maintenance Code, the Commonwealth of Pennsylvania Borough Code, and other applicable laws. Failure to cure the violation by a specific date may result in the issuance of a citation in the amount up to \$1,000.00 for each day the violation continues.

**Right to Appeal:** You have the right to appeal this Violation Notice, and the appeal shall be filed within twenty (20) days after this Violation Notice is served. All appeals shall be filed to the Borough of Brentwood Board of appeal by written application mailed to the Borough of Brentwood, 3624 Brownsville Road, Pittsburgh, PA 15227.

**Right to File Lien:** The cost of any action taken by the Borough of Brentwood shall be charged as a lien against the Subject Property.

**Violation of the Borough of Brentwood Ordinance No. 1029  
(as amended by Ord. No. 1078)**

You have violated the Borough of Brentwood Code Section 148-1 which provides as follows:

It shall be unlawful for any person, by any act or omission, whether negligent, grossly negligent, reckless, intentional, unintentional, willful or malicious, to cause, create or maintain, on any public property or on any property of another, or on property owned, leased or occupied by said person himself or herself, any nuisance, hazardous condition, unhealthy condition, physically offensive condition or any environmentally deleterious or polluting condition.

**You are ordered to remedy the nuisance within twenty (20) days of your receipt of this Violation Notice. Failure to comply with the foregoing will render you liable for fines up to \$600.00 a day for each day the violation continues and imprisonment up to 30 days. Any action taken by the Borough of Brentwood to remove the nuisance shall be charged against the Subject Property and shall be a lien upon the real estate.**

Sincerely,

**Building Inspector  
Code Enforcement Officer**

**CC: M & T Mortgage Corp. (Via certified mail, return receipt requested)**

**M & T Mortgage Corp.  
ATTN: Trina Lacy—Bill Receipt/DFW 4-3  
1 First American Way  
Roanoke, TX 76262**

[Track & Confirm](#)

[FAQs](#)

# Track & Confirm

## Search Results

Label/Receipt Number: 7010 0290 0000 6186 3351

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 2:57 pm on June 30, 2010 in PITTSBURGH, PA 15227.

[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

[Site Map](#) | [Customer Service](#) | [Forms](#) | [Gov't Services](#) | [Careers](#) | [Privacy Policy](#) | [Terms of Use](#) | [Business Customer Gateway](#)

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*Nothing  
returned from  
post office*

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only. No Insurance Coverage Provided)  
For delivery information, visit our website at [www.usps.com](http://www.usps.com).

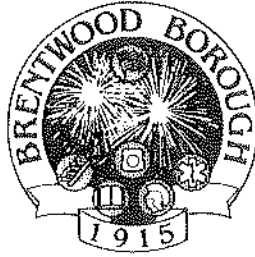
**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (endorsement Required)	
Restricted Delivery Fee (endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Delivered To  
*Mary Gradnik Bullard*  
Street, Apt. No.,  
PO Box No. *1011*  
City, State, ZIP+4  
*Coventwood Ave*

# THE BOROUGH OF BRENTWOOD



MUNICIPAL BUILDING - 3624 BROWNSVILLE ROAD  
PITTSBURGH, PA 15227-3199

Office 412 - 884-1500 FAX 412 - 884-1911

June 28, 2010

## VIA CERTIFIED MAIL

M & T Mortgage Corporation  
ATTN: Trina Lacy-Bill Receipt/DFW 4-3  
1 First American Way  
Roanoke, TX 76262

## VIOLATION NOTICE

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- 108.1.1 Unsafe Structures**—the structure is damaged, decayed, dilapidated, and structurally unsafe.
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(as amended by Ord. No. 1078)**

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Sincerely,

**Building Inspector  
Code Enforcement Officer**

**CC: Marry Gradnik-Ballew (Via certified mail, return receipt requested)**

[Track & Confirm](#)

[FAQs](#)

# Track & Confirm

## Search Results

Label/Receipt Number: 7010 0290 0000 6186 3368

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 7:59 am on July 01, 2010 in ROANOKE, TX 76262.

### Detailed Results:

- Delivered, July 01, 2010, 7:59 am, ROANOKE, TX 76262
- Arrival at Unit, July 01, 2010, 7:32 am, ROANOKE, TX 76262

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

9366 9819 0000 0620 0702

U.S. Postal Service™ <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To <i>M+T Mortgage Corp</i> Street, Apt. No., or PO Box No. <i>First American Way</i> City, State, ZIP+4 <i>Roanoke TX 76262</i>	
PS Form 3800, August 2009 See Reverse for Instructions	

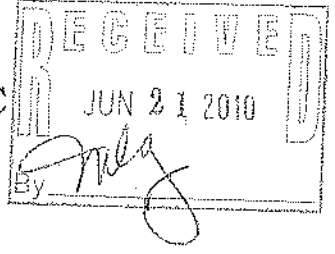
*Nothing  
returned from  
post office.*



SCANNED

Law Offices  
of  
**THOMAS H. AYOOB III & ASSOCIATES, LLC**

710 FIFTH AVENUE, SUITE 2000  
PITTSBURGH, PENNSYLVANIA 15219



Thomas H. Ayoub, III, Esquire  
Robert J. Brown, Esquire  
Anyia N. Ryjkova, Esquire

Phone: (412) 208-3000  
Fax: (412) 208-3001  
Email: tom@pioneerls.com

June 18, 2010

S.T.H

George Zboyovsky, Borough Manager  
Borough of Brentwood  
3624 Brownsville Road  
Pittsburgh, PA 15227

**Re: Notice Requirement for 3011 Brentwood Avenue**  
**Our File No. 1849-6-1**

Dear Mr. Zboyovsky:

I have reviewed the Violation Notices sent out by the Borough to the Owner of 3011 Brentwood Avenue (further referred to as the "Property"). The Violation Notices were insufficient in form because they did not adhere to the requirements of the appropriate ordinances. A proper notice must be sent out prior to any further enforcement proceedings. The September 21, 2009 "Violation Notice", was sent to the M & T Mortgage Corp. only. The Allegheny County website lists Mary Gradnik-Ballew as the property owner. I advise you to send an original notice to Mary Gradnik-Ballew's last known address and a copy of the notice to M & T Mortgage Corp.:

Mary Gradnik-Ballew  
3011 Brentwood Ave  
Pittsburgh, PA 15227-2816

M & T MTGE CORP  
ATTN: TRINA LACY - BILL RECEIPT/DFW 4-3  
1 FIRST AMERICAN WAY  
ROANOKE, TX 76262

Ordinance 1133 of the Borough of Brentwood Code adopts the International Property Maintenance Code (IPMC). Under IPMC, a notice to the person responsible for the violation shall comply with certain requirements in order to be enforceable.

Notice Requirements Checklist:

The notice must

1. Be in writing;
2. Include a description of the real estate;
3. Include a statement of violation;
4. Include a correction order allowing reasonable time to make repairs and improvements;
5. Inform the property owner of the right to appeal; and,
6. Include a statement of the right to file a lien by the municipality against the real estate.

The September 21, 2009, "Violation Notice" did not specifically cite the code which was violated, did not inform the owner of her right to appeal, did not include a statement of the right to file a lien, and was not sent as required under IPMC. For your convenience, enclosed is a Violation Notice that this office drafted that should be sent on the Borough of Brentwood's letterhead. The Violation Notice should be sent to the owner and the mortgage company by the following methods:

1. delivered personally, or
2. sent by certified or first class mail to the last known address of the owner, or
3. if returned showing that the letter was not delivered, must be posted in a conspicuous place in or on the real estate.

The IPMC also allows the code official to close a structure that is vacant and unfit for human habitation. This procedure is called "condemnation." The Violation Notice requires the property owner to close and secure the premises within twenty (20) days of the service of the notice. Simultaneously, you need to post a placard of condemnation on the premises ordering the structure to be closed and secured within twenty (20) days.

If the property owner fails to close and secure the premises, the code official is authorized to close and secure the premises. In that case, the placard with the word "Condemned" should be posted on the property with a statement of penalties for removing the placard, such penalties as authorized under the International Property Maintenance Code of 2009. Additionally, notice of condemnation shall be served on the owner of the property. The proper notice of condemnation is included in the form Violation Notice I have enclosed. The cost of closing and securing the property shall be assessed as a lien upon the Property.

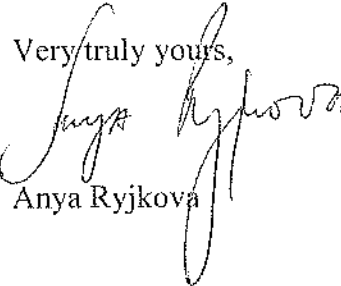
The IPMC authorizes the Borough to demolish the dilapidated or deteriorated structure after the owner fails to comply with the notice requiring him to do so within the prescribed time. The Violation Notice contains appropriate provisions addressing demolition in the case of non-compliance with the Violation Notice.

George Zboyovsky, Borough Manager  
June 18, 2010  
Page 3

Additionally, the Borough should assert a violation of the Borough of Brentwood Nuisance Ordinance No. 1029 (as modified by Ord. No. 1078). *See* Borough of Brentwood Code §148-1. Section 148-2 requires a person to remedy the nuisance within twelve hours of notice from the Borough of Brentwood. Section 148-6 provides for penalties in the form of a fine less or equal to \$600.00 and imprisonment up to 30 days, and states that each additional day of violation is prosecuted as a separate offense. The Code of the Borough of Brentwood lacks provisions addressing the nuisance enforcement notice requirements, but does not cancel the notice requirement. The form Violation Notice I have enclosed addresses the violation of the Nuisance Ordinance along with the violations of IPMC.

The Borough can also cite the Property owner with violating of the Bush, Grass and Weeds ordinance if the grass on the property exceeds eight inches in height. This violation is considered a "nuisance" under the Borough of Brentwood Code. Under Section 82-3, the property owner should be notified about the violation and given a proper time to correct it. In view of the fact that the Borough of Brentwood plans to tear down the hazardous structures, the violation of the Grass and Weeds Ordinance is insignificant and would detract from the main enforcement process to demolish the structure. Therefore, the Violation Notice does not contain this violation. If you decide to pursue the violation of this section of the Borough of Brentwood Code, please notify me so that I can inform you about the appropriate notice requirements and enforcement procedures.

Please contact me if you have further questions regarding this issue. The notices must be sent out in the precise manner as indicated above. All copies of the notices must be kept on file. Please inform me when the compliance time for notices expires, so that the Borough can timely proceed against the property.

Very truly yours,  
  
Anya Ryjkova

ANR/blj  
Enclosure

cc: Thomas H. Ayoob, III, Esquire

Key in

DATE \_\_\_\_\_

**VIA CERTIFIED MAIL**

Mary Gradnik-Ballew  
3011 Brentwood Ave  
Pittsburgh, PA 15227-2816

**VIOLATION NOTICE**

Description of Real Estate that is the subject of this notice: 3011 Brentwood Avenue, Pittsburgh, PA 15227 (hereinafter the " Subject Property").

Statement of violation: The Subject Property is in violation of the following Ordinances of the Borough of Brentwood.

**Violation of Borough of Brentwood Ordinance 1133  
(adopting the International Property Maintenance Code of 2009)**

- *108.1.1. Unsafe Structures – the structure is damaged, decayed, dilapidated, and structurally unsafe.*
- *108.1.3. Structure unfit for human occupancy - because of the degree to which the structure is in disrepair, lacks maintenance, is unsanitary, etc, the code official has determined it is unfit for human occupancy.*
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- *110.1. Demolition – the structure is so deteriorated, dilapidated, has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation. **YOU ARE ORDERED TO DEMOLISH AND REMOVE THE STRUCTURE WITHIN THE TIME PERIOD PRESCRIBED BELOW, OR IF THE STRUCTURE IS CAPABLE OF BEING MADE SAFE BY REPAIRS, TO REPAIR, MAKE SAFE AND SANITARY WITHIN THE TIME PERIOD PRESCRIBED BELOW. IF YOU FAIL TO COMPLY WITH THIS DEMOLITION ORDER WITHIN THE TIME PERIOD PRESCRIBED BELOW, THE STRUCTURE ON THE PROPERTY WILL BE REMOVED, AND THE COSTS OF SUCH DEMOLITION SHALL BE CHARGED AGAINST AND SHALL BE A LIEN ON THE SUBJECT PROPERTY UPON WHICH THE STRUCTURE WAS LOCATED.***

- *301.3. Vacant structures and land – the structure is vacant and not maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.*
- *302.1. Sanitation – the Subject Property is not maintained in a clean, safe and sanitary condition.*
- *302.3. Sidewalks and driveways – the stairs are in a state of disrepair and contain hazardous conditions.*
- *302.4. Weeds – the Subject Property contains excessive weeds.*
- *307.1. Accumulation of rubbish or garbage – there is an accumulation of garbage on the porch and side of the building.*

**Correction Order:** These conditions are a violation and are contrary to law. You are ordered to correct these violations within twenty days (20) of the date of this Violation Notice. Failure to comply with the foregoing will render you liable for the costs of removing the violations and penalties under the Borough of Brentwood Code of Ordinances, the International Property Maintenance Code, the Commonwealth of Pennsylvania Borough Code, and other applicable laws. Failure to cure the violation by a specific date may result in the issuance of a citation in the amount up to \$1000.00 for each day the violations continue.

**Right to Appeal:** You have the right to appeal this Violation Notice, and the appeal shall be filed within twenty (20) days after this Violation Notice is served. All appeals shall be filed to the Borough of Brentwood Board of appeal by written application mailed to the Borough of Brentwood, 3624 Brownsville Road, Pittsburgh, PA 15227.

**Right to File Lien:** The cost of any action taken by the Borough of Brentwood shall be charged as a lien against the Subject Property.

**Violation of the Borough of Brentwood Ordinance No. 1029  
(as amended by Ord. No. 1078)**

You have violated the Borough of Brentwood Code Section 148-1 which provides as follows:

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Sincerely,

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Building Inspector  
Code Enforcement Officer

cc: M&T Mtge. Corp. (Via certified mail, return receipt requested)

M & T MTGE CORP  
ATTN: TRINA LACY - BILL RECEIPT/DFW 4-3  
1 FIRST AMERICAN WAY  
ROANOKE, TX 76262

Law Offices  
of  
**THOMAS H. AYOOB III & ASSOCIATES, LLC**

710 FIFTH AVENUE, SUITE 2000  
PITTSBURGH, PENNSYLVANIA 15219

Thomas H. Ayoob, III, Esquire  
Robert J. Brown, Esquire  
Anya N. Ryjkova, Esquire

Phone: (412) 208-3000  
Fax: (412) 208-3001  
Email: tom@pioneerlls.com

June 22, 2010

**VIA HAND DELIVERY**

George Zboyovsky, Borough Manager  
Borough of Brentwood  
3624 Brownsville Road  
Pittsburgh, PA 15227

***Re: 3011 Brentwood Avenue  
Our File No. 1849-6-1***

Dear Mr. Zboyovsky:

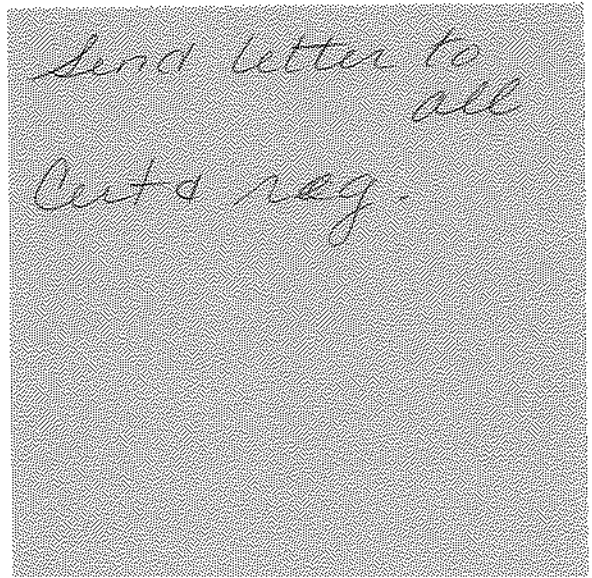
Enclosed is a revised Violation Notice for the above-referenced property. I advise you to send the Violation Notice by both first class mail and certified mail with return receipt requested. Please contact me if you have any questions regarding this revised Violation Notice.

Very truly yours,

  
Anya Ryjkova

ANR/blj  
Enclosures

cc: Thomas H. Ayoob, III, Esquire

  
Send letter to  
all  
Cert & reg.

DATE \_\_\_\_\_

**VIA FIRST CLASS AND  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Mary Gradnik-Ballew  
3011 Brentwood Ave  
Pittsburgh, PA 15227-2816

**VIOLATION NOTICE**

**Violation of Borough of Brentwood Ordinance 1133  
(adopting the International Property Maintenance Code of 2009)**

**Description of Real Estate that is the subject of this notice:** 3011 Brentwood Avenue, Pittsburgh, PA 15227 (hereinafter the " Subject Property").

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- **108.1.1. Unsafe Structures** – the structure is damaged, decayed, dilapidated, and structurally unsafe.
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Sincerely,

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Building Inspector  
Code Enforcement Officer

cc: M&T Mtge. Corp. (Via first class and certified mail, return receipt requested)

M & T MTGE CORP  
ATTN: TRINA LACY - BILL RECEIPT/DFW 4-3  
1 FIRST AMERICAN WAY  
ROANOKE, TX 76262