

THE BOROUGH OF BRENTWOOD



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

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

June 29, 2010

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

6446 Gildar Street, LLC
5440 Fifth Avenue,
Suite 63, Management Office
Pittsburgh, PA 15232

VIOLATION NOTICE

**Violation of Borough of Brentwood Ordinance 113
(adopting the International Property Maintenance Code of 2009)**

Description of Real Estate that is the subject of this notice: 3045 Pyramid Avenue, Bldg.G
Pittsburgh, PA 15227 (hereinafter the "Subject Property")

Statement of violation: The Subject Property is in violation of the following sections of the
International Property Maintenance Code of 2009.

**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**

THE BOROUGH OF BRENTWOOD



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

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

June 29, 2010

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

Forward Brentwood Properties, LLC
5440 Fifth Avenue, Management Office #63
Pittsburgh, PA 15232

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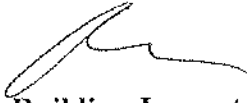
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(as amended by Ord. No. 1078)**

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Sincerely,



**Building Inspector
Code Enforcement Officer**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 6446 Eldar Street LLC
 5440 Fifth Ave.
 Suite 63
 Pittsburgh, PA
 15232

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X NM Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 [Signature]

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7010 0290 0000 6186 3412 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit us at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
 6446 Eldar Street LLC
 Street, Apt. No., or PO Box No.
 5440 Fifth Ave Ste 63
 City, State, ZIP+4
 Pittsburgh, PA 15232

7010 0290 0000 6186 3412 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Forward Brentwood Properties
 5440 Fifth Ave
 Suite 63
 Pittsburgh, PA
 15232

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X NM Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 [Signature]

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7010 0290 0000 6186 3405 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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For delivery information visit us at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
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Sent To
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 5440 Fifth Ave #63
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DATE _____

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

Forward Brentwood Properties, LLC
5440 Fifth Avenue, Management Office #63
Pittsburgh, PA 15232

6446 Gildar Street, LLC
5440 Fifth Avenue
Suite 63, Management Office
Pittsburgh, PA 15232

VIOLATION NOTICE

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

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Statement of violation: The Subject Property is in violation of the following sections of the International Property Maintenance Code of 2009.

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

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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

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: Notice Requirement for 3045 Pyramid Avenue
Our File No. 1849-6-4***

Dear Mr. Zboyovsky:

I have reviewed the Notices sent out by the Borough to the Owner of 3045 Pyramid Avenue (further referred to as the "Property"). The Violation Notice was insufficient in form because it did not adhere to the requirements of the appropriate ordinances. A proper notice must be sent out prior to any further enforcement proceedings. It should be noted that the Property has two owners, therefore, all the notices must be sent to both of them. The two owners with their appropriate addresses are:

Forward Brentwood Properties, LLC
5440 Fifth Avenue, Management Office #63
Pittsburgh, PA 15232

6446 Gildar Street, LLC
5440 Fifth Avenue
Suite 63, Management Office
Pittsburgh, PA 15232

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,

George Zboyovsky, Borough Manager
June 22, 2010
Page 2

6. Include a statement of the right to file a lien by the municipality against the real estate.

The March 10, 2009, "Violation Notice" did not specifically cite the code which was violated, did not inform the owner of the 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.

I advise you to send the Violation Notice by both first class mail and certified mail with return receipt requested.

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.

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

George Zboyovsky, Borough Manager
June 22, 2010
Page 3

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.

The June 5, 2009, sec. 210-73 Violation Notice of owner's failure to provide a Tenant Occupancy Reports required by Section 210-73 of the Zoning Ordinance must comply with separate requirements of sec. 210-69 of the Borough of Brentwood Code and the Municipality Planning Code. I understand that Tom Ayoob has already drafted a form Enforcement Notice for this type of violation. It is advisable to resend the Enforcement Notice requiring tenant occupancy reports so that it complies with the form that Tom Ayoob drafted.

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