

ALLEGHENY COUNTY HEALTH DEPARTMENT
HEARING OFFICER

MATTHEW LIPAY,	:	In re: 5409 Mere Street
	:	
Appellant	:	Docket No.: ACHD 23-017
	:	
v.	:	
	:	
ALLEGHENY COUNTY HEALTH	:	
DEPARTMENT	:	
	:	
Appellee.	:	

**APPELLEE ALLEGHENY COUNTY HEALTH DEPARTMENT'S
MOTION TO DISMISS**

AND NOW comes Appellee Allegheny County Health Department (“Appellee,” “ACHD,” or the “Department”) and files this Motion to Dismiss Appellant Matthew Lipay’s (“Appellant”) Notice of Appeal of Department’s Extension Based on Progress Letter, and, in support thereof, presents as follows:

1. On December 14, 2022, Department issued an initial Penalty Assessment in the amount of \$5,092.88 against Appellant, as a result of Violations of ACHD’s Article VI Rules and Regulations pertaining to Housing and Community Environment (“Article VI”) at certain leased property located at 5409 Mere Street, Pittsburgh, PA, 15207 (the “subject property”). *See* Exhibit A.
2. The December 14, 2022, penalty was not appealed within the 30-day appeal period.
3. On December 29, 2022, the Department performed a follow up inspection at the subject property (its fifth overall inspection of the subject property) and observed a new emergency violation.
4. On January 3, 2023, the Department transmitted a Notice of Violation (“NOV”) to Appellant, informing them of the new violations which were observed during that December 29,

2022, inspection, and setting January 11, 2023, as the date by which the emergency violation was to be corrected, as well as February 7, 2023, as the date for correction of the non-emergency violations. *See* Exhibit B, NOV and Inspection Report dated 12/29/2022.

5. On February 8, 2023, the Department re-inspected the subject property and observed that the emergency violations present at the previous inspection had been corrected, with only a class 3 and a class 4 violation remaining.

6. On February 13, 2023, the Department issued an Extension Based on Progress letter (the “EBP Letter”) to allow more time for the Appellant to repair the remaining Article VI violations. *See* Exhibit C, Extension Based on Progress Letter and Inspection Report dated February 8, 2023.

7. The EBP Letter simply provided new compliance dates for the conditions cited in the Department’s January 3, 2023 NOV.

8. On March 20, 2023, the Department received Appellant’s Notice of Appeal with the EBP Letter affixed to it. Exhibit C.

9. ACHD Article XI Section 1104A states: “The Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of the action by which the Appellant is aggrieved.” Art. XI § 1104A.

10. Article XI Section 1104D states: “All actions of the Department shall become final thirty (30) days after receipt of written notice or issuance if no appeal has been perfected under the provisions of this Section.” Art. XI § 1104D.

11. The Department’s NOV and EBP Letter apprised the Appellant of a possible right to appeal, and specifically stated as follows: “In the event that an appeal is not filed within thirty

(30) days after **issuance** of this written notice, the within action shall become final.” See Exhibits B and C (emphasis added).

12. In the instant action, the Department did not receive the Appeal until March 20, 2023, 5 days after the 30-day period specified by Article XI and by the EBP Letter had expired, thus rendering the Appeal untimely.

13. Because the Appeal was untimely, it must be dismissed.

14. Further, Section 1102 of Article XI of ACHD’s Rules and Regulations pertaining to Hearings and Appeals defines “Action” as: “Any order, notice, decision, determination or ruling by the Department affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of any person.” Art. XI § 1102 “Definitions”.

15. Section 1103 of Article XI defines the right to appeal, stating: “Any person aggrieved by an **action** of the Department and who has a direct interest in such **action** may file a Notice of Appeal.” Art. XI § 1103 “Right to Appeal” (emphasis added).

16. The Department’s Administrative Hearing Officer has ruled that a Notice of Violation which did not require any compliance or impose a penalty was not an “action” subject to the right of appeal. *Brenda Travillion v. Allegheny County Health Department*, ACHD-23-006, Order Sustaining ACHD’s Motion to Dismiss Notice of Appeal, May 26, 2023, available at: [421-Lemon-St-Order-Sustaining-ACHD-MtD.pdf \(alleghenycounty.us\)](https://www.alleghenycounty.us/Health-Department/Resources/Legal/Docket.aspx) – accessed via <https://www.alleghenycounty.us/Health-Department/Resources/Legal/Docket.aspx>.

17. The NOV which was the subject of the appeal in *Travillion*, much like the NOV at issue here, provided the Appellant with notice about the presence of a violation, and stated that the “violations are to be corrected by 11/10/2022.” See ACHD’s Motion to Dismiss, to which the

NOV was attached as Exhibit A, available at: [421-Lemon-St-ACHD-MtD.pdf](#) ([allegHENYcounty.us](#)).

18. The January 3, 2023 NOV and the February 13, 2023 EBP Letter which were issued in the instant action contain the same language which the Hearing Officer found did **not** constitute an agency action in *Travillion*. See Exhibits B and C.

19. Specifically, the NOV identifies the violations which were observed at the inspection and states that the “violations are to be corrected by 01/11/2023 for checked emergency,” and for the non-emergency violations states “violations are to be corrected by 2/7/2023.” See Exhibit B.

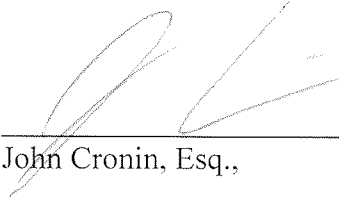
20. Likewise, the EBP Letter simply grants an extension to the dates for the remaining violations, and states that “[t]hese Violation(s) are to be corrected by : 03/20/2023.” See Exhibit C.

21. Because the language in both the NOV and the EBP letter are identical to the language in the NOV which was found to not be an “action” in *Travillion*, the letters at issue here are not “agency actions” which support a right to an appeal.

22. In summation, the Notice of Appeal should be dismissed for two distinct reasons: 1) the appeal was not filed in a timely fashion; and (2) the Department’s NOV and Extension based on Progress letters are not “actions” within the definition of Article XI, and thus are not appealable.

Wherefore, Appellee respectfully requests that the Hearing Officer enter an order dismissing Appellant’s Appeal.

Date: June 30, 2023



John Cronin, Esq.,

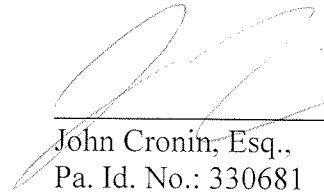
Pa. Id. No.: 330681
Allegheny County Health Department
301 39th Street
Pittsburgh, PA 15201-1811
Email: john.cronin@alleghenycounty.us
Telephone: (412) 578-2392

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion to Dismiss** was served by mail this 6/30/23 as follows:

Matthew Lipay
3316 Alberta Street
Homestead, PA, 15120

Date: 6/30/23



John Cronin, Esq.,
Pa. Id. No.: 330681
Allegheny County Health Department
301 39th Street
Pittsburgh, PA 15201-1811
Email: john.cronin@alleghenycounty.us
Telephone: (412) 578-2392

COUNTY OF



RICH FITZGERALD
COUNTY EXECUTIVE

Ex. A
ALLEGHENY

Mr. Matthew Lipay
5407 Mere Street
Pittsburgh PA 15207

December 14, 2022

RE : SR# HCE-20221019-5012

Property 5409 MERE STREET
Address : Pittsburgh, PA 15207
Census Tract : 33102

Dear Mr. Lipay:

Pursuant to our letter dated 11/15/2022 this shall serve as notice that a civil penalty in the amount of \$5092.88 was levied against you by virtue of the authority vested in the Director of the Allegheny County Health Department conferred by the Law of the Commonwealth of Pennsylvania. Said penalty shall be paid in the form of a cashier's check, certified check, or money order made payable to the "Environmental Health Fund."

This sum is to be paid within 30 days of the date of this letter to:
Allegheny County Health Department c/o Housing Program
542 4th Ave
Pittsburgh, Pennsylvania 15219

This penalty has been levied as a RESULT OF YOUR FAILURE TO TAKE ACTION specified in the letter dated 11/15/2022. Furthermore, it is hereby ordered that you shall abate the above situation within 15 days from the date of this order. In the event that the condition(s) cited in the letter dated 11/15/2022 is not abated within 15 days from the date of this order, you are hereby notified that a civil penalty of up to the amount of \$2500.00 may be levied for each day of continued violations and other enforcement actions may be taken.

Pursuant to Article XI entitled "Hearings and Appeals," you are hereby notified that you have thirty (30) days after issuance of this written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity all issues to be raised. The notice of appeal shall be submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

Sincerely,

Jamie Sokol
Operations Manager
Housing & Community Environment Program
JS:Ks
Attachment

FILE COPY
DEC 15 2022

cc: Jason Willis, Esquire, ACHD Solicitor
Otis Pitts, Deputy Director, Food Safety, Housing, and Policy Bureau
Kim Joyce, Deputy Director, Administration



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



TO: Mr. Matthew Lipay
5407 Mere Street
PITTSBURGH, PA 15207

Re:

SR# HCE-20221019-5012

IMPORTANT NOTICE

A letter dated 12/14/2022 has been mailed to you by the Allegheny County Health Department notifying you that a Civil Penalty has been levied by virtue of your failure to take certain action.

If you fail to take action pursuant to said penalty assessment, a judgment may be entered against you in the Court of Common Pleas of Allegheny County. The Sheriff may take your money or other property to pay the judgment any time after the judgment is entered.

YOU ARE WARNED THAT IF YOU FAIL TO CORRECT VIOLATIONS CONTAINED IN SAID LETTER THAT THE ALLEGHENY COUNTY HEALTH DEPARTMENT MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

Allegheny County Health Department
Housing and Community Environment Program
3190 Sassafras Way
Pittsburgh, Pa.15201

Phone:(412)350-4046
Fax:(412)350-2792

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Mr. Matthew Lipay
3310 Alberta Street
Munhall PA 15120

December 14, 2022

RE : SR# HCE-20221019-5012

Property 5409 MERE STREET
Address : Pittsburgh, PA 15207
Census Tract : 33102

Dear Mr. Lipay:

Pursuant to our letter dated 11/15/2022 this shall serve as notice that a civil penalty in the amount of \$5092.88 was levied against you by virtue of the authority vested in the Director of the Allegheny County Health Department conferred by the Law of the Commonwealth of Pennsylvania. Said penalty shall be paid in the form of a cashier's check, certified check, or money order made payable to the "Environmental Health Fund."

This sum is to be paid within 30 days of the date of this letter to:
Allegheny County Health Department c/o Housing Program
542 4th Ave
Pittsburgh, Pennsylvania 15219

This penalty has been levied as a RESULT OF YOUR FAILURE TO TAKE ACTION specified in the letter dated 11/15/2022. Furthermore, it is hereby ordered that you shall abate the above situation within 15 days from the date of this order. In the event that the condition(s) cited in the letter dated 11/15/2022 is not abated within 15 days from the date of this order, you are hereby notified that a civil penalty of up to the amount of \$2500.00 may be levied for each day of continued violations and other enforcement actions may be taken.

Pursuant to Article XI entitled "Hearings and Appeals," you are hereby notified that you have thirty (30) days after issuance of this written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity all issues to be raised. The notice of appeal shall be submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

Sincerely,

Jamie Sokol
Operations Manager
Housing & Community Environment Program
JS:Ks
Attachment

FILE COPY
DEC 15 2022

cc: Jason Willis, Esquire, ACHD Solicitor
Otis Pitts, Deputy Director, Food Safety, Housing, and Policy Bureau
Kim Joyce, Deputy Director, Administration



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



TO: Mr. Matthew Lipay
3310 Alberta Street
MUNHALL, PA 15120

Re:

SR# HCE-20221019-5012

IMPORTANT NOTICE

A letter dated 12/14/2022 has been mailed to you by the Allegheny County Health Department notifying you that a Civil Penalty has been levied by virtue of your failure to take certain action.

If you fail to take action pursuant to said penalty assessment, a judgment may be entered against you in the Court of Common Pleas of Allegheny County. The Sheriff may take your money or other property to pay the judgment any time after the judgment is entered.

YOU ARE WARNED THAT IF YOU FAIL TO CORRECT VIOLATIONS CONTAINED IN SAID LETTER THAT THE ALLEGHENY COUNTY HEALTH DEPARTMENT MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

Allegheny County Health Department
Housing and Community Environment Program
3190 Sassafras Way
Pittsburgh, Pa.15201

Phone:(412)350-4046
Fax:(412)350-2792

Allegheny County Health Department

Inspection Report - Complaint Housing

SR#: HCE-20221019-5012

Owner Violations

Property Address : **5409 Mere Street , Pittsburgh 15207**

Inspection # 4 Census Tract : 33102 Property Type : (Multi-Family 0 Units)

Inspector : Faon Conley Inspection Date : December 2, 2022 Time : 09:00

Contacts:

Ms CHRYSTINE HORVWALT Tenant
5409 Mere Street
Pittsburgh , PA 15207

Mr. MATTHEW LIPAY Owner
5407 Mere Street
Pittsburgh , PA 15207

(412) 414-7120

Mr. MATTHEW LIPAY Owner
3310 Alberta Street
Munhall , PA 15120

(412) 425-2844

Listed below are the Article 6 violations that require corrective action :

Below Ground Level

Basement

Section 629 A035 (O)(D)

Class 1

EMERGENCY

Location : Interior

Violation Status : **Remains**

Violation : Inoperable furnace/boiler: heating season, winter conditions.

Remedy : Repair.

Comments : Furnance was red tagged by Peoples Gas Company

All Levels

House

Section 629 B001 (O)(D)

Class 1

EMERGENCY

Location : Interior

Violation Status : **Remains**

Violation : NO HEAT: majority of habitable rooms and bathroom(s) at 60 degrees Fahrenheit or less. (Outside temperature is 10 degrees Fahrenheit or above).

Remedy : Provide temperatures of at least 68 degrees Fahrenheit to dwelling.

Comments : Temp outside was 32 deg fahrenheit and inside the unit was 35 deg f. on the first floor and 48 deg f. on the 2nd floor.

Property Address : **5409 Mere Street , Pittsburgh 15207**

Inspection # 4 Census Tract : 33102 Property Type : (Multi-Family 0 Units)

Inspector : Faon Conley Inspection Date : December 2, 2022 Time : 09:00

1st Floor

Dining Room

Section 622 032 (O)(D)

Class 3

Location : Ceiling

Violation Status : **Remains**

Violation : Hole(s) in ceiling.

Remedy : Repair.

2nd Floor

Bedroom

Section 622 031 (O)(D)

Class 4

Location : Front

Violation Status : **Remains**

Violation : Cracked or bubbled ceiling plaster.

Remedy : Repair.

Comments : Master BR has a few cracks in the ceiling, going from one side of the room to the other.

----- END OF REPORT -----

All Violations Verified by the Inspector :

_____ 

COUNTY OF



RICH FITZGERALD
COUNTY EXECUTIVE

Ex. B
ALLEGHENY

Mr. Matthew Lipay
5407 Mere Street
Pittsburgh PA 15207

January 3, 2023

RE : SR# HCE-20221019-5012

Property 5409 MERE STREET
Address : Pittsburgh, PA 15207
Census Tract : 33102

Dear Mr. Lipay:

An inspection of the property listed above was conducted on 12/29/2022 by Faon Conley. The following violations of Article VI, "Housing and Community Environment," were verified at that time. Attached is an inspection report listing these violations.

3 Checked Emergency Class 1 violation(s) exist(s). A Class 1 violation is defined as a condition which poses a real and immediate threat to life, health and safety of the occupant. These violations are to be corrected by 01/11/2023 for checked emergency.

1 Class 3 violation(s) exist(s). A Class 3 violation is defined as a condition which represents an actual or potential health hazard or nuisance. These violations are to be corrected by 02/07/2023 .

1 Class 4 violation(s) exist(s). A Class 4 violation can contribute to substandard housing, but is not used to determine fitness for human habitation. These violations are to be corrected by 02/07/2023 .

The above conditions qualify the property as eligible for Rent Withholding. See attached eligibility letter. Failure to comply will result in a complaint filed before the Magistrate and/or civil penalties. Under Section 660, should the dwelling become vacant prior to correction of these violations, the dwelling must be inspected and corrections verified by this Department prior to reoccupancy.

Pursuant to Article XI entitled "Hearings and Appeals," you are hereby notified that you have thirty (30) days after issuance of this written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity all issues to be raised. The notice of appeal shall be submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

If you have any questions, you may contact this office at (412)350-4046.

Sincerely,

Faon Conley
Environmental Health Specialist
FC:Sb
Attachment
cc: Tenant

M' FILE COPY

JAN 04 2023



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Mr. Matthew Lipay
3310 Alberta Street
Munhall PA 15120

January 3, 2023

RE : SR# HCE-20221019-5012

Property 5409 MERE STREET
Address : Pittsburgh, PA 15207
Census Tract : 33102

Dear Mr. Lipay:

An inspection of the property listed above was conducted on 12/29/2022 by Faon Conley. The following violations of Article VI, "Housing and Community Environment," were verified at that time. Attached is an inspection report listing these violations.

3 Checked Emergency Class 1 violation(s) exist(s). A Class 1 violation is defined as a condition which poses a real and immediate threat to life, health and safety of the occupant. These violations are to be corrected by 01/11/2023 for checked emergency.

1 Class 3 violation(s) exist(s). A Class 3 violation is defined as a condition which represents an actual or potential health hazard or nuisance. These violations are to be corrected by 02/07/2023 .

1 Class 4 violation(s) exist(s). A Class 4 violation can contribute to substandard housing, but is not used to determine fitness for human habitation. These violations are to be corrected by 02/07/2023 .

The above conditions qualify the property as eligible for Rent Withholding. See attached eligibility letter. Failure to comply will result in a complaint filed before the Magistrate and/or civil penalties. Under Section 660, should the dwelling become vacant prior to correction of these violations, the dwelling must be inspected and corrections verified by this Department prior to reoccupancy.

Pursuant to Article XI entitled "Hearings and Appeals," you are hereby notified that you have thirty (30) days after issuance of this written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity all issues to be raised. The notice of appeal shall be submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

If you have any questions, you may contact this office at (412)350-4046.

Sincerely,

Faon Conley
Environmental Health Specialist
FC:Sb
Attachment
cc: Tenant

M- FILE COPY

JAN 04 2023



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



Allegheny County Health Department

Inspection Report - Complaint Housing

SR#: HCE-20221019-5012

Owner Violations

Property Address : **5409 Mere Street , Pittsburgh 15207**

Inspection # 5 Census Tract : 33102 Property Type : (Multi-Family 0 Units)

Inspector : Faon Conley Inspection Date : December 29, 2022 Time : 12:45

Contacts:

Ms CHRYSTINE HORVWALT Tenant
5409 Mere Street
Pittsburgh , PA 15207

Mr. MATTHEW LIPAY Owner
5407 Mere Street
Pittsburgh , PA 15207

(412) 414-7120

Mr. MATTHEW LIPAY Owner
3310 Alberta Street
Munhall , PA 15120

(412) 425-2844

Listed below are the Article 6 violations that require corrective action :

Below Ground Level

Basement

Section 629 A035 (O)(D)

Class 1

EMERGENCY

Location : Interior

Violation Status : **Remains**

Violation : Inoperable furnace/boiler: heating season, winter conditions.

Remedy : Repair.

Comments : Furnance was red tagged by Peoples Gas Company

All Levels

House

Section 629 B001 (O)(D)

Class 1

EMERGENCY

Location : Interior

Violation Status : **Remains**

Violation : NO HEAT: majority of habitable rooms and bathroom(s) at 60 degrees Fahrenheit or less. (Outside temperature is 10 degrees Fahrenheit or above).

Remedy : Provide temperatures of at least 68 degrees Fahrenheit to dwelling.

Comments : Temp outside was 43 deg fahrenheit and inside the unit was 51 deg f. on the first floor and 56 deg f. on the 2nd floor.

Property Address : **5409 Mere Street , Pittsburgh 15207**

Inspection # 5 Census Tract : 33102 Property Type : (Multi-Family 0 Units)

Inspector : Faon Conley Inspection Date : December 29, 2022 Time : 12:45

All Levels

Apartment

Section 630 001 (O)(D)

Class 1

EMERGENCY

Location : Interior

Violation Status : **First**

Violation : No water supplied to dwelling unit.

Remedy : Provide piped, running, potable water to dwelling.

1st Floor

Dining Room

Section 622 032 (O)(D)

Class 3

Location : Ceiling

Violation Status : **Remains**

Violation : Hole(s) in ceiling.

Remedy : Repair.

2nd Floor

Bedroom

Section 622 031 (O)(D)

Class 4

Location : Front

Violation Status : **Remains**

Violation : Cracked or bubbled ceiling plaster.

Remedy : Repair.

Comments : Master BR has a few cracks in the ceiling, going from one side of the room to the other.

----- END OF REPORT -----

All Violations Verified by the Inspector :



COUNTY OF



RICH FITZGERALD
COUNTY EXECUTIVE

Ex. C
ALLEGHENY

Mr. Matthew Lipay
5407 Mere Street
Pittsburgh PA 15207

February 13, 2023

RE : SR# HCE-20221019-5012

Property 5409 MERE STREET
Address : Pittsburgh, PA 15207
Census Tract : 33102

Dear Mr. Lipay:

Based on the progress made on our last inspection of the subject property, an extension is being granted to complete repairs. Listed below are all the remaining violations. Please note the new compliance dates for each class.

1 Class 3 Violation(s) Remains.

These Violation(s) are to be corrected by : 03/20/2023

1 Class 4 Violation(s) Remains.

These Violation(s) are to be corrected by : 03/20/2023

Pursuant to Article XI entitled "Hearings and Appeals," you are hereby notified that you have thirty (30) days after issuance of this written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity all issues to be raised. The notice of appeal shall be submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

If you have any questions, please call me at (412)350-4046.

Sincerely,

Faon Conley
Environmental Health Specialist
FC:Sb
Attachment
cc: Tenant

M- FILE COPY

FEB 15 2023



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Mr. Matthew Lipay
3310 Alberta Street
Munhall PA 15120

February 13, 2023

RE : SR# HCE-20221019-5012

Property 5409 MERE STREET
Address : Pittsburgh, PA 15207
Census Tract : 33102

Dear Mr. Lipay:

Based on the progress made on our last inspection of the subject property, an extension is being granted to complete repairs. Listed below are all the remaining violations. Please note the new compliance dates for each class.

1 Class 3 Violation(s) Remains.

These Violation(s) are to be corrected by : 03/20/2023

1 Class 4 Violation(s) Remains.

These Violation(s) are to be corrected by : 03/20/2023

Pursuant to Article XI entitled "Hearings and Appeals," you are hereby notified that you have thirty (30) days after issuance of this written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity all issues to be raised. The notice of appeal shall be submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

If you have any questions, please call me at (412)350-4046.

Sincerely,

Faon Conley
Environmental Health Specialist
FC:Sb
Attachment
cc: Tenant

Mr. FILE COPY

FEB 15 2023



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Mr. Matthew Lipay
3316 Alberta Street
Homestead PA 15120

February 13, 2023

RE : SR# HCE-20221019-5012

Property 5409 MERE STREET
Address : Pittsburgh, PA 15207
Census Tract : 33102

Dear Mr. Lipay:

Based on the progress made on our last inspection of the subject property, an extension is being granted to complete repairs. Listed below are all the remaining violations. Please note the new compliance dates for each class.

1 Class 3 Violation(s) Remains.

These Violation(s) are to be corrected by : 03/20/2023

1 Class 4 Violation(s) Remains.

These Violation(s) are to be corrected by : 03/20/2023

Pursuant to Article XI entitled "Hearings and Appeals," you are hereby notified that you have thirty (30) days after issuance of this written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity all issues to be raised. The notice of appeal shall be submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

If you have any questions, please call me at (412)350-4046.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Faon Conley'.

Faon Conley
Environmental Health Specialist
FC:Sb
Attachment
cc: Tenant

M- FILE COPY

FEB 15 2023



DEBRA BOGEN, MD, FAAP, FABM, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
PHONE: 412.350.4046 • FAX: 412.350.2792
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



Allegheny County Health Department

Inspection Report - Complaint Housing

SR#: HCE-20221019-5012

Owner Violations

Property Address : **5409 Mere Street , Pittsburgh 15207**

Inspection # 6 Census Tract : 33102 Property Type : (Multi-Family 0 Units)

Inspector : Faon Conley Inspection Date : February 8, 2023 Time : 11:00

Contacts:

Mr. MATTHEW LIPAY Owner
3316 Alberta Street
Homestead , PA 15120

Ms CHRYSTINE HORVWALT Tenant
5409 Mere Street
Pittsburgh , PA 15207

(412) 414-7120

Mr. MATTHEW LIPAY Owner
5407 Mere Street
Pittsburgh , PA 15207

Mr. MATTHEW LIPAY Owner
3310 Alberta Street
Munhall , PA 15120

(412) 425-2844

Listed below are the Article 6 violations that require corrective action :

1st Floor

Dining Room

Section 622 032 (O)(D)

Class 3

Location : Ceiling

Violation Status : **Remains**

Violation : Hole(s) in ceiling.

Remedy : Repair.

2nd Floor

Bedroom

Section 622 031 (O)(D)

Class 4

Location : Front

Violation Status : **Remains**

Violation : Cracked or bubbled ceiling plaster.

Remedy : Repair.

Comments : Master BR has a few cracks in the ceiling, going from one side of the room to the other.

----- END OF REPORT -----

All Violations Verified by the Inspector :

