

**ORDER OF AN EXECUTIVE OFFICER
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

To: Dale Robertson
Wendy Robertson
“the Owners”

And To: All Occupant(s) of the following Housing premises:

RE: Those housing premises located in Ponoka, Alberta and municipally described as:
5020 Highway 2A, Trailer #20

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. In the front room, there are several drop-ceiling tiles missing, exposing insulation and wood beams in the ceiling.
- b. In the front room, there are several areas of discolouration consistent with water damage.
- c. In the first bedroom in the hallway, there are wall panels that are in disrepair.
- d. The wall next to the washing machine has a square hole with no cover.
- e. In the bathroom, the tub and floor do not form a watertight joint. The walls do not form watertight joints with each other, the floor, the ceiling, and the bathtub.
- f. Above the bathtub faucet, there is a hole in the wall.
- g. The missing ceiling tiles in the front room have exposed insulation bags and plastic vapour barriers which have visible mold-like growth. The room has a musty odour consistent with mold.
- h. In the front room, all sides of the window frame have visible mold-like growth on the rotted wood and the caulking.
- i. On the back exterior door in the door frame, there is visible mold-like growth.
- j. On the hallway window frame, there is visible mold-like growth.
- k. In the front room, the exposed ceiling insulation and vapour barrier/plastic have visible signs of water infiltration.
- l. In the front room, the window frame adjacent to the front door is rotted on all sides. The top of the window frame has deteriorated, with interior components of the ceiling visible.
- m. The roof is in disrepair with signs of water infiltration in the dwelling from the roof.
- n. The metal exterior cladding is not securely attached to the dwelling walls and is not waterproof, windproof, and weatherproof.
- o. The laundry dryer appliance is not connected to an exterior vent.
- p. The bathtub faucet is not securely attached to the wall and can be easily moved.

- q. The railings and porch structures can be easily moved, and the guards on these structures are either missing or in disrepair.
- r. The windows in all bedrooms either do not fully open or have a secured barrier covering the inside of the window, preventing access to an openable area for emergency egress.
- s. Several windows throughout the dwelling have cracked glass panes.
- t. Several windows in the dwelling do not appear to be weatherproof as observed by exterior light visible when the window is fully closed.
- u. In the kitchen, there is a hole in the wall covered with tape and a screen providing direct access to the exterior.
- v. The insect screens on various windows and on the back exterior door are observed to be torn or otherwise in disrepair.
- w. The exterior doors are not weatherproof as indicated by visible exterior light around the door when it is closed. The openable windows on the door are not weatherproof - they do not form a weatherproof seal when closed.
- x. The windows in 2 of the bedrooms are covered with a secured pane of plexi-glass, preventing natural ventilation.
- y. The bathroom window has a secured pane of plexi-glass over the window, preventing natural ventilation. No air circulation is felt when the mechanical ventilation system is tested.
- z. There is evidence of mice infestation with mouse droppings observed in the cupboard under the kitchen sink, behind the stove, and in the furnace components.
- aa. The smoke alarm in the hallway serving the bedrooms is not operational.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- a. In the front room, there are several drop-ceiling tiles missing, exposing insulation and wood beams in the ceiling. This condition is contrary to Section 5 of the Minimum Housing and Health Standards which states: "All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean."
- b. In the front room, there are several areas of discolouration consistent with water damage. This condition is contrary to Section 5 of the Minimum Housing and Health Standards which states: "All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean."
- c. In the first bedroom in the hallway, there are wall panels that are in disrepair. This condition is contrary to Section 5 of the Minimum Housing and Health Standards which states: "All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean."
- d. The wall next to the washing machine has a square hole with no cover. This condition is contrary to Section 5 of the Minimum Housing and Health Standards which states: "All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean."
- e. In the bathroom, the tub and floor do not form a watertight joint. The walls do not form watertight joints with each other, the floor, the ceiling, and the bathtub. This condition is contrary to Section 5(a) of the Minimum Housing and Health Standards which states: "Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight

joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.”

- f. Above the bathtub faucet, there is a hole in the wall. This condition is contrary to Section 5 of the Minimum Housing and Health Standards which states: “All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.”
- g. The missing ceiling tiles in the front room have exposed insulation bags and plastic vapour barriers which have visible mold-like growth. The room has a musty odour consistent with mold. This condition is contrary to Section 5(2) of the Housing Regulation (AR 173/99) which states: “No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.”
- h. In the front room, all sides of the window frame have visible mold-like growth on the rotted wood and the caulking. This condition is contrary to Section 5(2) of the Housing Regulation (AR 173/99) which states: “No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.”
- i. On the back exterior door in the door frame, there is visible mold-like growth. This condition is contrary to Section 5(2) of the Housing Regulation (AR 173/99) which states: “No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.”
- j. On the hallway window frame, there is visible mold-like growth. This condition is contrary to Section 5(2) of the Housing Regulation (AR 173/99) which states: “No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.”
- k. In the front room, the exposed ceiling insulation and vapour barrier/plastic have visible signs of water infiltration. This condition is contrary to Section 1(c) of the Minimum Housing and Health Standards which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- l. In the front room, the window frame adjacent to the front door is rotted on all sides. The top of the window frame has deteriorated, with interior components of the ceiling visible. This condition is contrary to Section 1(c) of the Minimum Housing and Health Standards which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- m. The roof is in disrepair with signs of water infiltration in the dwelling from the roof. This condition is contrary to Section 2(a) of the Minimum Housing and Health Standards which states: “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”
- n. The metal exterior cladding is not securely attached to the dwelling walls and is not waterproof, windproof, and weatherproof. This condition is contrary to Section 2(a) of the Minimum Housing and Health Standards which states: “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”
- o. The laundry dryer appliance is not connected to an exterior vent. This condition is contrary to Section 5(2) of the Housing Regulation (AR 173/99) which states: “No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.”

- p. The bathtub faucet is not securely attached to the wall and can be easily moved. This condition is contrary to Section 6(a) of the Minimum Housing and Health Standards which states: “The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”
- q. The railings and porch structures can be easily moved, and the guards on these structures are either missing or in disrepair. This condition is contrary to Section 3(c)(i) of the Minimum Housing and Health Standards which states: “Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.”
- r. The windows in all bedrooms either do not fully open or have a secured barrier covering the inside of the window, preventing access to an openable area for emergency egress. This condition is contrary to Section 3(b)(i)(ii) of the Minimum Housing and Health Standards which states: “For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge” and “Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380 mm (15”).”
- s. Several windows throughout the dwelling have cracked glass panes. This condition is contrary to Section 2(b)(i) of the Minimum Housing and Health Standards which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
- t. Several windows in the dwelling do not appear to be weatherproof as observed by exterior light visible when the window is fully closed. This condition is contrary to Section 2(b)(i) of the Minimum Housing and Health Standards which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
- u. In the kitchen, there is a hole in the wall covered with tape and a screen providing direct access to the exterior. This condition is contrary to Section 2(a) of the Minimum Housing and Health Standards which states: “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”
- v. The insect screens on various windows and on the back exterior door are observed to be torn or otherwise in disrepair. This condition is contrary to Section 2(b)(iii) of the Minimum Housing and Health Standards which states: “During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.”
- w. The exterior doors are not weatherproof as indicated by visible exterior light around the door when it is closed. The openable windows on the door are not weatherproof and they do not form a weatherproof seal when closed. This condition is contrary to Section 2(b)(i) of the Minimum Housing and Health Standards which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
- x. The windows in 2 of the bedrooms are covered with a secured pane of plexi-glass, preventing natural ventilation. This condition is contrary to Section 4(i)(a,b) of the Minimum Housing and Health Standards which states: “All rooms used for sleeping shall be provided with: an openable window area of 0.28 m² (3.0 ft²); or mechanical ventilation in conformance with the requirements of the Alberta Building Code.”
- y. The bathroom window has a secured pane of plexi-glass over the window, preventing natural ventilation. No air circulation is felt when the mechanical ventilation system is

tested. This condition is contrary to Section 7(c) of the Minimum Housing and Health Standards which states: “All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.”

- z. There is evidence of mice infestation with mouse droppings observed in the cupboard under the kitchen sink, behind the stove, and in the furnace components. This condition is contrary to Section 16(i)(ii)(iii) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises are free of insect and rodent infestations. (i) all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. (iii) it is the occupant’s responsibility to allow access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.”
- aa. The smoke alarm in the hallway serving the bedrooms is not operational. This condition is contrary to Section 12(a) of the Minimum Housing and Health Standards which states: “Smoke alarms shall be operational and in good repair at all times.”

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Unfit for Human Habitation**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before April 9, 2024.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure that all ceilings are maintained in good repair and are in a condition that renders them easy to clean (smooth, durable, non-absorbent).
 - b. Remove water damaged materials and ensure that all ceilings are maintained in good repair and are in a condition that renders them easy to clean (smooth, durable, non-absorbent).
 - c. Remove/repair damaged wall materials and ensure that walls are maintained in good repair and are in a condition that renders them easy to clean (smooth, durable, non-absorbent).
 - d. Ensure that walls are maintained in good repair and are in a condition that renders them easy to clean (smooth, durable, non-absorbent).
 - e. Ensure that all bathroom walls form a watertight joint with each other, the floor, the ceiling, and the bathtub or shower.
 - f. Ensure that walls are maintained in good repair and are in a condition that renders them easy to clean (smooth, durable, non-absorbent).
 - g. Ensure that the dwelling is free of mold-like growths - remove/replace all areas affected by mold-like growth.
 - h. Ensure that the dwelling is free of mold-like growths - remove/replace all areas affected by mold-like growth.
 - i. Ensure that the dwelling is free of mold-like growths - remove/replace all areas affected by mold-like growth.
 - j. Ensure that the dwelling is free of mold-like growths - remove/replace all areas affected by mold-like growth.

- k. Repair the source of the water infiltration. Remove the water damaged materials and remediate the affected areas.
 - l. Ensure that rotted materials are removed and replaced with materials that are in a good state of repair.
 - m. Ensure that the roof is in good repair and is windproof, waterproof, and weatherproof. Remove and remediate areas affected by the disrepair of the roof.
 - n. Ensure that exterior cladding of walls is windproof, waterproof, and weatherproof.
 - o. Ensure that the dryer is properly vented to the exterior.
 - p. Ensure that plumbing fixtures are maintained in proper operating condition.
 - q. Ensure that all balconies, handrails, guards, treads, and risers are maintained in good repair and comply with the requirements of the Alberta Building Code.
 - r. Ensure that rooms used for sleeping provide exterior windows for emergency egress that provide an unobstructed opening with an area no less than 0.35 m^2 (3.8 ft^2), with no dimension less than 380 mm (15 in). Ensure that each bedroom has at least one (1) exterior window which may be opened from the inside without the use of tools or special knowledge.
 - s. Ensure that windows are in good repair, free of cracks.
 - t. Ensure that all windows are in good repair and are windproof, waterproof, and weatherproof.
 - u. Ensure that exterior cladding of walls is windproof, waterproof, and weatherproof.
 - v. Ensure that insect screens on openable windows are in good repair.
 - w. Ensure that all windows and exterior doors are weatherproof and in good repair.
 - x. Ensure that bedroom windows are provided with an openable window for natural ventilation, or a means of mechanical ventilation.
 - y. Ensure that natural or mechanical ventilation vented to the exterior are provided in bathrooms.
 - z. Ensure that the premises is free of pest infestations.
 - aa. Ensure that hallways serving bedrooms are equipped with operational smoke alarms at all times.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain vacant and secure from unauthorized entry.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Ponoka, Alberta, April 4, 2024

Confirmation of a verbal order issued to Wendy Robertson on April 3, 2024.

Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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Copy: Town of Ponoka