

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

To: **Ramraj Jokhan and Nalanda Jokhan**
“the owner”

David Masih
“property manager”

RE: Municipally known as 11810 – 70 street, Edmonton, AB
Plan RN98, Block 4, Lot 28

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

- a. The front living room window was broken. It was boarded up using plywood.
- b. Mouse feces were seen throughout the premises indicating a huge mouse infestation.
- c. The majority of the windows in the premises were missing window screens.
- d. There was a missing window pane in the kitchen.
- e. The window in the kitchen (missing the window pane) could not be locked.
- f. There was a missing window pane in the dining room.
- g. The west main floor bedroom window had a storm window that was secured on the exterior of the premises, this prevented emergency egress.
- h. The north basement bedroom window was too small for emergency egress. The unobstructed opening was measured and was 19 X 20 inches.
- i. The south basement bedroom window was too small for emergency egress. The unobstructed opening was measured and was 19 X 20 inches.
- j. There was fluid pooling around the base of the toilet.
- k. There were missing baseboards throughout the premises.
- l. There were missing cover plates for both electrical outlets and light switches throughout the premises.
- m. There were numerous cracked window panes throughout the premises.
- n. The majority of the kitchen cupboards were in disrepair.
- o. The kitchen counter was not fastened to the wall or kitchen cupboards.
- p. There was no smoke alarm installed by the bedrooms on the main floor.

- q. The smoke alarm that was installed by the bedrooms in the basement was not functioning.
- r. There was no hand railing for the basement steps.
- s. A large area of exterior cladding stipple by the back door had fallen off.
- t. The spindle width for the back porch area was too wide.
- u. There was a large amount of flooring, walls and ceiling areas that were unfinished or in disrepair.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation there under exist in and about the above noted premises, namely:

- a. The front living room window was broken. It was boarded up using plywood which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weather proofed.
- b. Mouse feces were seen throughout the premises indicating a huge mouse infestation which is in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
- c. The majority of the windows in the premises were missing window screens which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: 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.
- d. There was a missing window pane in the kitchen which is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- e. The window in the kitchen (missing the window pane) could not be locked which is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- f. There was a missing window pane in the dining room which is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- g. The west main floor bedroom window had a storm window that was secured on the exterior of the premises, this prevented emergency egress which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- h. The north basement bedroom window was too small for emergency egress. The unobstructed opening was measured and was 19 X 20 inches which is in

- contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- i. The south basement bedroom window was too small for emergency egress. The unobstructed opening was measured and was 19 X 20 inches which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
 - j. There was fluid pooling around the base of the toilet which is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
 - k. There were missing baseboards throughout the premises which is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
 - l. There were missing cover plates for both electrical outlets and light switches throughout the premises which is in contravention of section IV(11) of the Minimum Housing and Health Standards which states that: Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
 - m. There were numerous cracked window panes throughout the premises which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weather proofed.
 - n. The majority of the kitchen cupboards were in disrepair which is in contravention of section IV(14)(a)(ii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: cupboards or other facilities suitable for the storage of food.
 - o. The kitchen counter was not fastened to the wall or kitchen cupboards which is in contravention of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.
 - p. There was no smoke alarm installed by the bedrooms on the main floor which is in contravention of section IV(12) of the Minimum Housing and Health Standards which states that: Smoke alarms within dwellings shall be installed between each sleeping area and the remainder of the suite and, where hallways serve the sleeping areas; the smoke alarms shall be installed within the hallway.
 - q. The smoke alarm that was installed by the bedrooms in the basement was not functioning which is in contravention section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.

- r. There was no hand railing for the basement steps which is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, hand rails, 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.
- s. A large area of exterior cladding stipple by the back door had fallen off which is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- t. The spindle width for the back porch area was too wide which is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, hand rails, 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.
- u. There was a large amount of flooring, walls and ceiling areas that were unfinished or in disrepair which is in contravention of section III(5) of the Minimum Housing and Health Standards which states that: 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.

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

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

1. That the occupants vacate the above noted premises on or before March 1, 2017
2. That the owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure that smoke alarms are installed where the hallway serves the sleeping areas. Ensure smoke alarms are operational at all times.
 - b. Install cover plates on all electrical outlets and light switches. Ensure all outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
 - c. Repair or replace all damaged or unfinished floors, walls and ceilings and install baseboards. Ensure 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 in all areas of the housing premises. Ensure all walls and floors in the washroom 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.

- d. Replace the insect screen in the living room. Ensure it is the appropriate size and in good repair. Ensure all window or other devices intended for ventilation are with effective screens.
- e. Ensure all building materials that have been damaged or show evidence of rot or other deterioration are repaired or replaced.
- f. Ensure that all plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- g. Replace all missing or damaged window panes. Ensure that all windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- h. Install a locking mechanism on the kitchen window. Ensure all windows and exterior doors are capable of being secured.
- i. Ensure that all rooms used for the purposes of sleeping contain a window with an unobstructed openings with areas not less than 0.35 m^2 (3.8ft^2), with no dimension less than 380 mm (15”).
- j. Ensure that a hand railing is installed for the basement steps leading to the basement area and is maintained in good repair and complies with the requirements of the Alberta Building Code or a Professional Engineer design.
- k. Ensure the spindle between the spindles is less than 4 inches. Ensure outside stairs or porches including all treads, risers, supporting structural members, hand rails, guards and balconies, are maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- l. Ensure that all the housing premises intended for use during the winter months, windows in habitable rooms is protected against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- m. Ensure that the kitchen counter and cupboards are in good repair and all appliances are in good operating condition.
- n. Ensure that the heating facilities within this housing premises be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the suite. Due to the extensive evidence of a mouse infestation the ventilation ducts will require professional cleaning a copy of the receipt is required.
- o. Repair the exterior cladding by the back door. Ensure the roof and exterior cladding of walls are maintained in a waterproof, windproof and weatherproof condition.
- p. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
- q. Ensure that a licensed Pest Control Operator is employed to rigorously treat for cockroaches and bedbugs, in coordination with the treatment of other infested suites. Provide copies of pest control reports to this office. Disinfect the premises. The owner shall ensure that the housing premises are free of insect infestations; and (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 occupants 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.

The building owner(s), property managers, and occupants/tenants must work together to discourage any pest infestation and/or nesting by employing a number of control methods and by performing continual building maintenance in areas of concern. All parties are advised to work with and adhere to any prescribed actions from the exterminator (pest control company) contracted to service the building, and to consider a combination of physical control measures consistent with an Integrated Pest Management program (IPM).

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 the property secured from unauthorized entry at all times.

Be Advised:

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies; you are advised that further repairs may be required to ensure full compliance of the Public Health Nuisance regulation, prior to being allowed to occupy the premises.

Any building upgrades or modifications may be subject to municipality planning and development department reviews and the procuring of proper permits.

Should this premises remain a rental all parameters set out in the Minimum Housing and Health Standard must be implemented.

DATED at **Edmonton, Alberta, 02 February, 2017**

_____(Original Signed)_____
Ingrid Bohac, CPHI(C)
Executive Officer
Alberta Health Services

tel: (780) 735-1787 fax: (780) 735-1801

Confirmation of an oral order issued to David Masih property manager 02 February 2017

⤴ **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 within ten (10) days after receiving the order to the Public Health Appeal Board located at Reception, Main Floor. Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or the Public Health Appeal Board 780-427-2813.

You are advised that all orders remain in effect pending such an appeal

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⤴ **Health Legislation, Regulations and Standards**

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html