

**ORDER OF AN EXECUTIVE OFFICER  
CLOSED FOR TENANT ACCOMMODATION PURPOSES  
ORDER TO VACATE**

**To:** Murray Swanson and  
Amanda Miranda  
“The Owners”

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

**RE:** Those housing premises located in Edmonton, Alberta and municipally described as:  
11903 – 93 Street NW  
Lot 10 Block 3 Plan 3493X

**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. There was water pooling in multiple areas of the basement.
- b. The fascia at the back entrance to the house had cracked and peeling paint and materials were showing evidence of water damage.
- c. The kitchen window had broken hinges which prevented it from being easy to open/close.
- d. One of the window panes in the South bedroom was cracked.
- e. The weatherproofing material surrounding the back exit door was in disrepair.
- f. The window in the South bedroom was single paned.
- g. The insect screen in the South-West bedroom window was warped and not fitted to the frame.
- h. There was no insect screen installed in the South-East bedroom window.
- i. There was no insect screen installed in the washroom window.
- j. The kitchen window could not be secured; there was no lock.
- k. The South-West bedroom window could not be secured; locks were not functional.
- l. Emergency egress was not available from the South bedroom as the window did not open.
- m. The South-West bedroom window did not provide unobstructed emergency egress; the window did not hold open more than 13 inches x 35 inches.
- n. There was no handrail on the exterior stairs leading to the deck at the back of the house.
- o. There was no handrail on the stairs leading into the basement
- p. There was no guard on the stairs leading into the basement.
- q. The guardrail surrounding the deck at the front entrance to the house was missing spindles and spindles that were installed were spaced greater than 4 inches apart.
- r. There was a missing transition strip between the floor in the front entrance and the living room.

- s. Floor tiles were missing at the back entrance to the house.
- t. The interior wall next to the back entrance door was crumbling.
- u. The window frame in the South bedroom had unfinished surfaces and the paint was cracked and peeling.
- v. The South-West bedroom window was made of unfinished wood and had visible mould growth.
- w. There were multiple missing floor tiles on the washroom floor and several others were cracked.
- x. There was cracked and peeling paint on the washroom walls.
- y. The window frame in the washroom had unfinished surfaces and the paint was cracked and peeling.
- z. The wall tiles behind the bath tub faucet were cracked and broken.
- aa. The sealant around the top of the bath tub was in disrepair and not creating a watertight seal.
- bb. Baseboards running along the bottom of the bath tub had chipped and peeling paint and had evidence of water damage.
- cc. There was visible mould and mildew on the ceiling of the washroom.
- dd. The window frame in the kitchen was made of unfinished wood.
- ee. There was a large crack on the kitchen ceiling running along the East wall.
- ff. The tap at the washroom handsink was dripping.
- gg. There was a missing electrical outlet plate cover in the basement.
- hh. There was a broken electrical outlet plate cover in the South-West bedroom.
- ii. There were potentially live wires under the dishwasher that had been taped.
- jj. There were no smoke alarms installed between each sleeping area and the remainder of the suite.
- kk. There was a missing drawer and several missing cupboard doors in the kitchen.
- ll. There was evidence of a mouse infestation in the house; mouse droppings were observed throughout the basement.

**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. Violation [a] is in contravention of section III(1)(b) of the Minimum Housing and Health Standards which states that: Basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation
- b. Violation [b] 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.
- c. Violations [c, d and e] are 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 weatherproof.
- d. Violation[f] 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. Violations [g, h and i] are 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.
- f. Violation [j] 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.
- g. Violations [l and m] are in contravention of section III(3)(b)(ii) 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 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
- h. Violations [n, o, p and q] are in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards which states that: 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.
- i. Violations [r, s, t and u] are 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.
- j. Violation [v] 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 of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- k. Violations [w, x, y, z and aa] are in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- l. Violations [bb and cc] are in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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 and of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

- m. Violations [dd and ee] are 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.
- n. Violation [ff] 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.
- o. Violations [gg, hh and ii] are 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.
- p. Violation [jj] 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. Violation [kk] 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; and section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- r. Violation [ll] is in contravention of section V(16)(a)(i, ii) 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; and all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation; and 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.

**AND WHEREAS**, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

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

1. That the occupants vacate the above noted premises on or before January 31, 2017
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Remove water and any dry areas with water damage. Retain the services of a professional contractor to investigate the source of the water. Ensure all prescribed repairs are conducted and the basement is free from water infiltration

- and accumulation. Provide our office with a report outlining the identified issues and work completed.
- b. Repair or replace the fascia at the back end of the house that shows evidence of rot or other deterioration. Ensure the exterior cladding is maintained in a waterproof, windproof and weatherproof condition.
  - c. Ensure all windows and exterior doors are maintained in good repair, free of cracks and weatherproof. Including:
    - i. Repair or replace the broken hinges at the kitchen window so it can easily open and close.
    - ii. Replace the cracked window pane in the South bedroom.
    - iii. Repair or replace the weatherproofing material surrounding the back entrance door.
  - d. Replace or modify the single paned window in the South bedroom. Ensure windows are 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 an Executive Officer.
  - e. Install insect screens in the South-East and South-West bedroom windows and washroom window. Ensure every window or other device intended for ventilation is supplied with an effective screen.
  - f. Ensure all exterior windows and doors are capable of being secured. Including:
    - i. Install a lock on the kitchen window.
    - ii. Repair or replace the locks on the South-West bedroom window.
  - g. Ensure that windows in sleeping areas, intended for emergency egress provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
  - h. Ensure inside and outside stairs and porches including all treads, risers, supporting structural members, handrails, guards and balconies are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design. Including:
    - i. Install handrails on the exterior stairs leading to the deck at the back of the house and on the stairs leading into to the basement.
    - ii. Install a guard on the stairs leading into the basement.
    - iii. Install/modify/repair the guardrail surrounding the deck at the front entrance so the spacing between spindles does not exceed 4 inches.
  - i. Ensure all walls, windows, ceilings, floors and floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean. Including:
    - i. Install a transition strip between the flooring in the front entrance and the living room.
    - ii. Install missing floor tiles at the back entrance of the house.
    - iii. Repair the wall next to the back entrance that is in disrepair.
    - iv. Repair/replace the damaged window frames in the South and South West bedrooms and in the kitchen.
  - j. Ensure rooms containing a flush toilet and/or a bathtub or shower have walls and floors that are smooth, non-absorbent to moisture and easy to clean. Ensure all walls form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower. Including:
    - i. Install missing floor tiles in the washroom and repair/replaced cracked floor tiles.

- ii. Repair the cracked and peeling paint on the washroom walls.
    - iii. Replace the damaged wall tiles behind the bath tub faucet.
    - iv. Repair or replace the damaged window frame in the washroom.
    - v. Repair/reseal the top of the bath tub so that it forms a watertight joint.
    - vi. Replace damaged baseboards along the bottom of the bath tub.
  - k. Repair the large crack on the kitchen ceiling running along the East wall. Ensure rooms and sections of rooms that are used for food preparation and cooking 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. Ensure all building materials that have been damaged or show evidence of rot or other deterioration are repaired or replaced.
  - m. Repair the leak at the washroom handsink. Ensure all plumbing fixtures are serviceable, free from leaks, trapped and vented to the outside.
  - n. Ensure outlets, switches and fixtures are properly installed and maintained in a good and safe working condition. Including:
    - i. Install an electric outlet plate cover in the basement.
    - ii. Replace the broken electrical outlet plate cover in the South-West bedroom.
    - iii. Have a certified electrician inspect and conduct necessary repairs to the wiring underneath the dishwasher. Provide our office with a report outlining the identified issues and work completed.
  - o. Install smoke alarms between each sleeping area and the remainder of the suite. Ensure smoke alarms are in good repair and operational at all times.
  - p. Install the missing drawers and cupboard doors in the kitchen. Ensure the food preparation area has food storage facilities that are in good repair and suitable for the storage of food.
  - q. Take any necessary action to eliminate the mouse infestation in the premises:
    - a) Treat all affected areas and provide this office with detailed documentation of the pest control activities completed and/or pest control reports.
    - b) Utilize IPM (Integrated Pest Management) techniques to control the infestation.
    - c) Continue pest control measures until the infestation has been cleared.
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 closed for tenant accommodation purposes.

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 Edmonton, Alberta, January 17, 2017

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
Stephanie Bodnar B.Sc., BEH (AD), CPHI(C)  
Executive Officer  
Environmental Health Officer

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, Telus Plaza North Tower  
10025 Jasper Avenue NW  
Edmonton, Alberta, T5J 1S6  
Phone: 780-222-5186  
Fax: 780-422-0914  
Email: [HealthAppealBoard@gov.ab.ca](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <http://www.health.alberta.ca/about/PHAB.html>

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

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](http://www.qp.gov.ab.ca).

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).

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](http://www.health.alberta.ca/about/health-legislation.html)

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Edmonton • HSBC Building • Environmental Public Health

Suite 700, 10055 – 106 Street NW, Edmonton, Alberta, Canada T5J 2Y2

[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)