

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

To: James T F Lee
"the Owner"

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

RE: Those housing premises located in Calgary, Alberta and municipally described as:
711 69 Avenue SW – Unit B

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. Squalor conditions were observed in the unit. Rotting garbage and animal feces were creating a pungent odour and attracting fruit flies.
- b. The basement bedroom window on the right side of the room was not capable of remaining open on its own, and the locking mechanism was located in the middle of the window thereby obstructing egress.
- c. Smoke alarms were missing from all bedroom areas.
- d. The light fixture in the basement bedroom was not affixed to the ceiling, exposing electrical connections.
- e. The bathroom tub surround was peeling away from the wall, exposing the drywall behind it.
- f. The bathroom flooring adjacent to the bathtub was lifting.
- g. Mould growth was observed on the drywall behind the peeling tub surround.
- h. Mould growth was observed on walls and ceiling throughout the bathroom. The bathroom fan was working but it could not be determined if it was drawing air adequately because the fan was located too high up on the wall to reach.
- i. Mould growth was observed on the silicone caulking around the bathtub.
- j. The basin around the drain of the bathroom handsink was rusted and pitted.
- k. A pipe in the utility room located on the party wall of the neighbouring duplex was leaking water.
- l. Residue from a sewer backup was observed on the floor of the utility room.
- m. Mineral buildup was observed around foundation cracks in the utility room.
- n. The kitchen flooring along the bottom of the cupboards was lifting.
- o. Kitchen cupboards were missing doors.
- p. Locks on the kitchen window and upper rear right bedroom window were not functional, resulting in the windows not being lockable.
- q. The upper rear left bedroom window was not easily openable because it was stuck.

- r. The kitchen, upper right bedroom, and basement bedroom windows were missing insect screens.
- s. The kitchen window was frozen open, was missing two panes, and gaps were stuffed with clothing to prevent drafts.
- t. Upper rear right bedroom window was cracked.
- u. The upper right bedroom window was missing a storm pane.
- v. The front storm door screen was torn off.
- w. A downspout extension at the back of the house was missing, resulting in water not being diverted away from the foundation.
- x. There was a hole in a section of the roof overhang on the west of the duplex. The wood around this hole was water damaged and rotted.

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. Squalor conditions were observed in the unit. Rotting garbage and animal feces were creating a pungent odour and attracting fruit flies. This is in contravention of section 5(2) of the Housing Regulation, 2001 which states that: 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. And, 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.
- b. The basement bedroom window on the right side of the room was not capable of remaining open on its own, and the locking mechanism was located in the middle of the window thereby obstructing egress.
- c. Smoke alarms were missing from all bedroom areas. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to section III(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”).
- d. The light fixture in the basement bedroom was not affixed to the ceiling, exposing electrical connections. This 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.
- e. The bathroom tub surround was peeling away from the wall, exposing the drywall behind it. This is 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.
- f. The bathroom flooring adjacent to the bathtub was lifting. This is 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.

- g. Mould growth was observed on the drywall behind the peeling tub surround. This is in contravention of section 5(2) of the Housing Regulation, 2001 which states that: 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. Mould growth was observed on walls and ceiling throughout the bathroom. The bathroom fan was working but it could not be determined if it was drawing air adequately because the fan was located too high up on the wall to reach. This is in contravention of section 5(2) of the Housing Regulation, 2001 which states that: 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. Mould growth was observed on the silicone caulking around the bathtub. This is in contravention of section 5(2) of the Housing Regulation, 2001 which states that: 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. The basin around the drain of the bathroom handsink was rusted and pitted. This 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. A pipe in the utility room located on the party wall of the neighbouring duplex was leaking water. This is in contravention of section IV(6)(a) of the Minimum Housing and Health Standards which states that: 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.
- l. Residue from a sewer backup was observed on the floor of the utility room. 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.
- m. Mineral buildup was observed around foundation cracks in the utility room. This is in contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- n. The kitchen flooring along the bottom of the cupboards was lifting. This 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.
- o. Kitchen cupboards were missing doors. This 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.
- p. Locks on the kitchen window and upper rear right bedroom window were not functional, resulting in the windows not being lockable. This 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.
- q. The upper rear left bedroom window was not easily openable because it was stuck. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to section III(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”).
 - r. The kitchen, upper right bedroom, and basement bedroom windows were missing insect screens. This 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.
 - s. The kitchen window was frozen open, was missing two panes, and gaps were stuffed with clothing to prevent drafts. This 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.
 - t. Upper rear right bedroom window was cracked. This 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 weatherproof.
 - u. The upper right bedroom window was missing a storm pane. This 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.
 - v. The front storm door screen was torn off. This 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.
 - w. A downspout extension at the back of the house was missing, resulting in water not being diverted away from the foundation. This 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.
 - x. There was a hole in a section of the roof overhang on the west of the duplex. The wood around this hole was water damaged and rotted. This 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.

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 February 28, 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. Discard all garbage, feces and porous objects, thoroughly clean and sanitize all remaining surfaces throughout the unit, and eliminate fly infestation.
 - b. Replace the right basement bedroom window so that it meets emergency egress requirements of the Minimum Housing and Health Standards.
 - c. Install smoke alarms in the hallways outside the upper and lower bedrooms.
 - d. Secure and/or repair the ceiling light in basement bedroom.
 - e. Remove the existing tub surround and replace all drywall behind the tub surround.
 - f. Replace the bathroom tub surround.
 - g. Repair or replace the bathroom flooring.
 - h. Clean mould from bathroom ceiling and walls, then repaint. Ensure the bathroom fan is drawing air adequately to remove moisture.
 - i. Remove the silicone caulking around the bathtub and re-caulk.
 - j. Resurface or replace the bathroom hand sink.
 - k. Repair the leak from the pipe on the shared party wall in the utility room.
 - l. Inspect, unclog and repair utility room drain to help prevent future sewer backups.
 - m. Remove mineral buildup from around foundation cracks in the utility room to allow for future monitoring of water infiltration.
 - n. Repair or replace the kitchen flooring.
 - o. Install kitchen cupboard doors.
 - p. Repair or replace locks on kitchen and upper rear right bedroom windows.
 - q. Repair the upper left bedroom window so it is easily openable.
 - r. Install insect screens over kitchen, upper right bedroom and basement bedroom windows.
 - s. Install storm panes on the kitchen window.
 - t. Replace cracked upper rear right bedroom window.
 - u. Install a storm pane on the upper right bedroom window.
 - v. Repair or replace the front storm door screen.
 - w. Install downspout extension at the back of the house.
 - x. Remove the rotted wood and repair the hole in the roof overhang on the west side of the duplex.
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.
4. All work listed in paragraph 2 above must be completed to the satisfaction of an Executive Officer of Alberta Health Services by **April 17, 2017**.

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 Calgary, Alberta, February 1, 2017

George Johnson, 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
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.

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.

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